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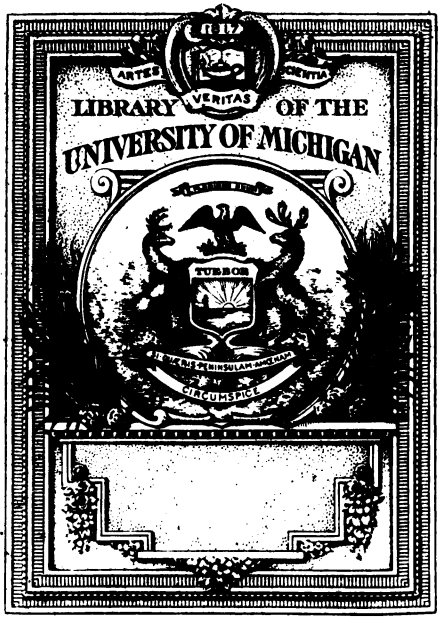
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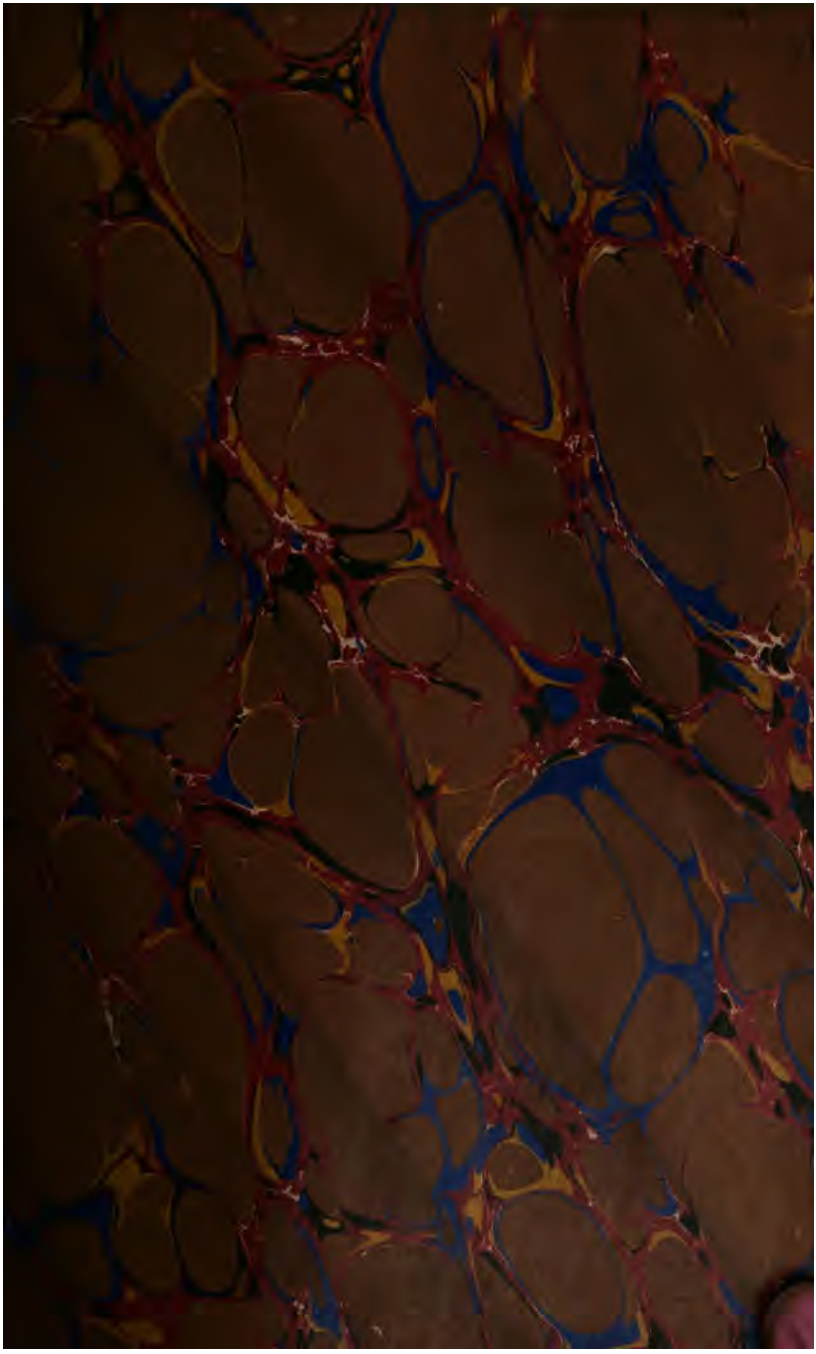

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March 19, 1873.

BROUGHAM'S WORKS.

WORKS

OF

HENRY LORD BROUGHAM

VOL. IV.

STATESMEN OF THE TIME OF GEORGE III. AND IV.

VOL. II.

EDINBURGH
ADAM AND CHARLES BLACK
1872

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Danielson
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STATESMEN

OF

THE TIME OF GEORGE III.

INTRODUCTION TO VOLUME SECOND.

THERE remains little addition necessary to the general Introduction in the first volume of the Statesmen. One or two particulars only require notice.

The circumstances connected with the marriage of George IV. and Mrs. Fitzherbert are referred to in this volume, but not in detail. Since that account was first published in 1839, the information of the Rev. S. Johnes, who was acquainted with all the particulars, has been received, and it fully confirms the opinion there cited, of the ceremony having been performed at the house of her uncle, Mr. Errington Such, indeed, was the belief entertained by the Queen's Counsel in 1820, when some discussion arose practically upon the subject. Mr. Johnes had promised the Prince to officiate; but in the course of the same evening, when he returned home, he recollected a prior promise which he had made to Admiral Payne, who, knowing that the Prince looked to Mr. Johnes, had made him promise he would not. Next morning he went to Carlton House, and stated his refusal in consequence of that promise. He never was forgiven by the Prince. The prevailing belief of his having performed the ceremony arises from this circumstance:

he knew who officiated, but always refused to tell; probably because the party was still alive, and if so, was liable to the penalties of a præmunire. Mrs. Fitzherbert was very anxious that her memory should be vindicated, by the whole circumstances being disclosed as soon as the parties implicated were no more. She knew that her papers would remove all doubts upon the subject. One was a will, in the Prince's handwriting, leaving everything to her disposal; another was a marriage settlement of great length, with the certificate of the marriage annexed. In Lord J. Russell's publication of Mr. Fox's Memoirs and Letters, there is one from the Prince, solemnly denying the truth of the report then current, that such a marriage was in contemplation, or ever had been. This denial is dated ten days before the event actually happened.

The Letters of George III. to Lord North, in the former volume, were in the possession of Lord Glenbervie, Son-in-law and Executor of Lord North. He lent them to George IV., who never returned them, and there is reason to believe that they were destroyed. Fortunately they had before been lent to Sir James Mackintosh, when engaged in his historical work, which he had hoped he might bring down to the end of the American war. With this view he made a careful copy of those letters, or parts of letters, which were the most important, and a short abstract of the others. The whole of his MS., in his own hand-writing, was returned to Lady Charlotte Lindsay, Lord North's only surviving daughter, and by her it was communicated several years before the account of her father was written. It is printed in the former volume without any alteration whatever, the explanatory notes only having been added.

Lady Charlotte's interesting letter respecting her father was written in 1839, and appeared in the first Edition of this work, as did the one from Lady Louisa

Stuart, Lord Bute's daughter. These letters having been by an oversight omitted in the former volume, are inserted in the Appendix to this. It may be added that Lady Louisa Stuart always denied in the most positive terms the notion of her father having had any intercourse with George III. after he retired from office. She was quite aware of the scene at Princess Amelia's villa, described in the former volume, p. 49.

In the Introduction to that volume, mention is made of the testimony borne, by their surviving friends, to the impartiality of the judgments pronounced upon statesmen with whom the author most widely differed. He thinks that in treating of Lord Castlereagh, the form of the expressions used, rather than the substance of the opinion given, may be open to objection; and he has therefore materially modified those expressions. But it is also right to add, that he, very possibly, had fallen into the common error so natural and so hard to be avoided, of underrating the capacity of the statesman because of his inferiority in debate; and he has now endeavoured to repair the injustice which may in some degree have been done, although allowance, possibly not ample enough, had been before stated as fit to be made for this source of error—an error peculiar to countries having Parliamentary government. While some of our statesmen are thus undervalued, not a few are entirely overlooked, as if they belonged to another class. An instance may be given in Sir C. Stuart, afterwards Lord Stuart de Rothsay. If the Duke of Wellington had been asked to name the person not in the army, whose co-operation in the Peninsular War, especially during the earlier and more arduous portion of it, he most highly prized, it is not doubtful that he would at once have named this great diplomatist, for whom he ever entertained a very high regard, from an intimate knowledge of his strict in-

tegrity, and eminent capacity for affairs. Yet as he never sat in Parliament till late in life, nor ever took any part in debate, and as political fame in this country is confined to those who have there distinguished themselves, Lord Stuart's name is in all likelihood unknown to almost every reader of this feeble tribute to it, dictated more by a sense of justice than by the recollection of uninterrupted friendship for half-a-century.

The additions made in this publication are chiefly those of legal characters—Lord Plunket, Lord Abinger, and Sir Arthur Pigott are the most fully given; but there is a series of papers added for the use of the younger members of the legal profession, and to inculcate the principles, as much of prudence as of honour, which the history of eminent lawyers so largely illustrates—the neglect of all useless display; the sacrifice of everything to the interests of the cause and the client; the resisting other temptations, especially that of political distinction; and persevering in the pursuit of professional eminence. These papers were with this design communicated to the *Law Review*, a journal under the patronage of the Law Amendment Society; they are written in the assumed character of a retired Welsh judge, and were understood to have had a useful tendency.

GEORGE IV.

It would not be easy to find a greater contrast in the character and habits of two princes succeeding one another in any country, than the two last Georges presented to the eye of even the most superficial observer.

George Prince of Wales had been educated after the manner of all princes whose school is the palace of their ancestors, whose teacher is boundless prosperity, whose earliest and most cherished associate is unrestrained self-indulgence, and who neither among their companions form the acquaintance of any equal, nor in the discipline of the seminary ever feel control. The regal system of tuition is indeed curiously suited to its purpose of fashioning men's minds to the task of governing their fellow-creatures—of training up a naturally erring and sinful creature to occupy the most arduous of all human stations, the one most requiring habits of self-command, and for duly filling which, all the instruction that man can receive, and all the virtue his nature is capable of practising, would form a very inadequate qualification. This system had, upon the Prince of Wales, produced its natural effects in an unusually ample measure. He seemed, indeed, to come forth from the school a finished specimen of its capabilities and its powers; as if to show how much havoc can be made in a character originally deficient in none of the good and few of the great qualities, with which

it may be supposed that men are born. Naturally of a temper by no means sour or revengeful, he had become selfish to a degree so extravagant, that he appeared to act upon a practical conviction of all mankind being born for his exclusive use; and hence he became irritable on the least incident that thwarted his wishes; nay, seemed to consider himself injured, and thus entitled to gratify his resentment, as often as any one, even from a due regard to his own duty or his own character, acted in a way to disappoint his expectations or ruffle his repose.

His natural abilities, too, were far above mediocrity; he was quick, lively, gifted with a retentive memory, and even with a ready wit—endowed with an exquisite ear for music, and a justness of eye, that fitted him to attain refined taste in the arts—possessing, too, a nice sense of the ludicrous, which made his relish for humour sufficiently acute, and bestowed upon him the powers of an accomplished mimic. The graces of his person and his manners need not be noted, for neither are valuable but as the adjunct of higher qualities; and the latter, graceful manners, are hardly to be avoided by one occupying all his life that first station which, by removing constraint, makes the movements of the prince as naturally graceful as those of the infant or of the child too young to feel embarrassment. But of what avail are all natural endowments without cultivation? They can yield no more fruit than a seed or a graft cast out upon a marble floor; and cultivation, which implies labour, discipline, self-control, submission to others, can scarcely ever be applied to the Royal condition. They who believe that they are exempt from the toils, and hardly liable to the casualties of other mortals—all whose associates, and most of whose instructors, set themselves about confirming this faith—are little likely to waste the midnight oil in any contemplations but those of the debauchee; and beings, who can hardly bring themselves to believe that they

are subject to the common fate of humanity, are pretty certain to own no inferior control. "Quoi donc" (exclaimed the young Dauphin to his Right Reverend preceptor, when some book mentioned a king as having died)—"Quoi donc, les Rois meurent-ils?" "Quelquefois, Monseigneur," was the cautious and courtly reply. That this Prince should afterwards grow, in the natural course of things, into Louis XV., and that his infant aptitude for the habits of royalty thus trained up, should expand into the maturity of self-indulgence which almost proved too great a trial of French loyal patience, is not matter of wonder. Our Louis, notwithstanding the lessons of Dean Jackson, and the fellowship of Thurlow and Sheridan, was a man of very uncultivated mind—ignorant of all but the passages of history which most princes read, with some superficial knowledge of the dead languages, which he had imperfectly learnt and scantily retained, considerable musical skill, great facility of modern tongues, and no idea whatever of the rudiments of any science, natural or moral; unless the very imperfect notions of the structure of government, picked up in conversation or studied in newspapers, can be reckoned any exception to the universal blank.

We have said nothing of the great quality of all,—the test of character,—firmness, and her sister truth. That the Prince was a man of firm mind, not even his most unscrupulous flatterers ever could summon up the courage to pretend. He was much the creature of impulses, and the sport of feelings naturally good and kind; but had become wholly selfish through unlimited indulgence. Those who knew him well were wont to say that his was a woman's character, when they observed how little self-command he had, and how easily he gave way to the influence of petty sentiments. Nor was the remark more gallant towards the sex than it was respectful towards the Prince; inasmuch as the character of a woman transferred to the other sex

implies the want of those qualities which constitute manly virtue, without the possession of the charms by which female weaknesses are redeemed; independently of the fact that those weaker parts are less prejudicial in the woman, because they are more in harmony with the whole. That they who draw the breath of life in a Court, and pass all their days in an atmosphere of lies, should have any very sacred regard for truth, is hardly to be expected. They experience such falsehood in all who surround them, that deception, at least suppression of the truth, almost seems necessary for self-defence; and accordingly, if their speech be not framed upon the theory of the French Cardinal, that language was given to man for the better concealment of his thoughts, they at least seem to regard in what they say, not its resemblance to the fact in question, but rather its subserviency to the purpose in view.

The course of private conduct which one in such a station, of such habits, and of such a disposition, might naturally be expected to run, was that of the Prince from his early youth upwards; and when he entered upon public life, he was found to have exhausted the resources of a career of pleasure; to have gained followers without making friends; to have acquired much envy and some admiration among the unthinking multitude of polished society; but not, in any quarter, either to command respect or conciliate esteem. The line of political conduct which he should pursue was chalked out by the relative position in which he stood to his father, and still more by that monarch's character, in almost all respects the reverse of his own.

It thus happened that the Whig party, being the enemies of George III., found favour in the sight of his son, and became his natural allies. In the scramble for power they highly valued such an auxiliary, and many of them were received also into the personal favour of their illustrious political recruit. But state affairs were by him only taken as a stimulant, to rouse

the dormant appetite, when more vulgar excitement had fatigued the jaded sense; and it would be extremely difficult to name the single occasion on which any part was taken by him whom the Whigs held out as the most exalted member of their body, from the end of the American war until the beginning of the contest with France. An event then occurred which brought his Royal Highness upon the stage, but not as a friend of the Liberal party. He came forward to disclaim them, to avow that his sentiments differed widely from theirs, and to declare that upon the great question which divided the world, he took part with the enemies of liberty and of improvement. The French Revolution had alarmed him, in common with most of his order; he quitted the party for many years; he gave the only support he had to give, his vote, to their adversaries. The rest of his political history is soon told. When the alarm had subsided he gradually came back to the Opposition party, and acted with them until his father's illness called him to the Regency, when he shamefully abandoned them, flung himself into the hands of their antagonists, and continued to the end of his days their enemy, with a relentless bitterness, a rancorous malignity, which betokened the spite of his nature, and his consciousness of having injured and betrayed those whom, therefore, he never could forgive. It was indeed the singular and unenviable fate of this Prince, that he who at various times had more "troops of friends" to surround him than any man of any age, changed them so often, and treated them so ill, as to survive, during a short part of his life, every one of his attachments, and to find himself before its close in the hands of his enemies, or of mere strangers, the accidental connexions of yesterday.

After running the course of dissipation, uninterrupted by any more rational or worthy pursuit,—prematurely exhausting the resources of indulgence, both animal and mental, and become incapable of

receiving further gratification unless the wish of the ancient tyrant could be gratified by the invention of some new pleasure,—it was found that a life of what was called unbounded profusion could not be passed without unlimited extravagance, and that such enormous sums had been squandered in a few years as seemed to baffle conjecture how the money could have been spent. The bill was of course brought in to the country, and one of the items which swelled the total amount to above half a million, was many hundreds of pounds for Marechal powder, a perfumed brown dust with which the fops of those days filled their hair, in preference to using soap and water, after the manner of the less courtly times that succeeded the French Revolution. The discontent which this unprincipled and senseless waste of money occasioned had no effect in mending the life of its author; and in a few years a new debt had been incurred, and the aid of Parliament was required again. There seemed now no chance but one of extricating the Prince from the difficulties with which he had surrounded himself, and obtaining such an increased income as might enable him to continue his extravagance without contracting new debts. That chance was his consenting to marry; in order that the event might take place, so pleasing to a people whom all the vices and the follies of royalty can never wean from their love of Princes, and the increase of the royal family be effected with due regularity of procedure from the heir-apparent's loins. But, although the entering into the state of matrimony in regular form, and with the accustomed publicity, might afford the desired facilities of a pecuniary kind, such a step little suited the taste of the illustrious personage usually termed "the hope of the country." That the restraints of wedlock should be dreaded by one to whom all restraint had hitherto been a stranger, and who could set at nought whatever obligations of constancy that holy and comfortable state imposed, was

wholly out of the question. If that were all, he could have no kind of objection to take as many wives as the law of the land allowed, supposing the dower of each to be a bill upon the patient good-nature of the English people, towards discharging some mass of debt contracted. But there had happened another event, not quite suited to the people's taste, although of a matrimonial kind, which had been most carefully concealed for very sufficient reasons, and which placed him in a predicament more embarrassing than even his pecuniary difficulties.

The most excusable by far, indeed the most respectable of all the Prince's attachments, had been that which he had early formed for Mrs. Fitzherbert, a woman of the most amiable qualities, and the most exemplary virtue. Her abilities were not shining, nor were her personal charms dazzling, nor was she even in the first stage of youth; but her talents were of the most engaging kind: she had a peculiarly sweet disposition, united to sterling good sense, and was possessed of manners singularly fascinating. His passion for this excellent person was a redeeming virtue of the Prince; it could only proceed from a fund of natural sense and good taste, which, had it but been managed with ordinary prudence and care, would have endowed a most distinguished character in private life; and, could it by any miracle have been well managed in a palace, must have furnished out a ruler before whose lustre the fame of Titus and the Antonines would grow pale. This passion was heightened by the difficulties which its virtuous object interposed to its gratification; and upon no other terms than marriage could that be obtained. But marriage with this admirable lady was forbidden by law! She was a Roman Catholic; sincerely attached to the religion of her forefathers, she refused to purchase a crown by conforming to any other; and the law declared, that whoever married a Catholic should forfeit all right to the crown of these realms, as if he

were naturally dead. This law, however, was unknown to her, and, blinded by various pretences, she was induced to consent to a clandestine marriage, which is by many supposed to have been solemnized between her and the Prince beyond the limits of the English dominions, in the silly belief, perhaps, entertained by him, that he escaped the penalty to which his reckless conduct exposed him, and that the forfeiture of his succession to the crown was only denounced against such a marriage if contracted within the realm.* The consent of the Sovereign was another requisite of the law to render the marriage valid: that consent had not been obtained; and the invalidity of the contract was supposed to save the forfeiture. But they who so construed the plain provision in the Bill of Rights, assumed first, that no forfeiture could be incurred by doing an act which was void in itself, whereas the law of England, as well as of Scotland, and every other country,† abounds in cases of acts prohibited and made void, yet punished by a forfeiture of the rights of him who contravenes the prohibition, as much as if they were valid and effectual. The same courtly reasoners and fraudulent matchmakers of Carlton House next assumed that statutes so solemn as the Bill of Rights and Act of Settlement could be varied, and, indeed, repealed in an essential particular, most clearly within their mischief, by a subsequent law which makes not the least reference whatever to their provisions; while no man could doubt that to prevent even the attempt at contravening those prohibitions was the object of

* Some affirm, and I believe correctly, that it was performed in London at the house of her uncle.

† To lawyers this matter is quite familiar. In England, if a tenant for life makes a feoffment in fee, this forfeits his life estate, although the attempt to enlarge his estate is altogether ineffectual, and the feoffee takes nothing by the grant. In Scotland, if an heir of entail, fettered by the fencing clauses, makes a conveyance contrary to the prohibitions, the deed is wholly void, and yet he forfeits the estate, to use the words of the Bill of Rights, "as if he were naturally dead."

the Law, in order to avoid all risks; it being equally manifest that, if merely preventing a Catholic from being the Sovereign's consort had been the only purpose of the enactment, this could have been most effectually accomplished by simply declaring the marriage void, and the forfeiture of the crown became wholly superfluous. It is, therefore, very far from being clear that this marriage was no forfeiture of the crown. But, it may be said, the Prince ran this risk only for himself, and no one had a right to complain. Not so. The forfeiture of the crown was his own risk assuredly; but he trepanned Mrs. Fitzherbert into a sacrifice of her honour to gratify his passion, when he well knew that the ceremony which she was made to believe a marriage could only be regarded as a mere empty form, of no legal validity or effect whatever; unless, indeed, that of exposing her, and all who assisted, to the high pains and penalties of a *præmunire*. While he pretended that he was making her his wife, and made her believe she was such, he was only making her the victim of his passions, and the accomplice of his crimes.

A few years after, when those passions had cooled, or were directed into some new channel, the rumour having got abroad, a question was asked in Parliament respecting the alleged marriage. His chosen political associates were appealed to, and, being instructed by him, denied the charge in the most unqualified terms. Before such men as Mr. Fox and Mr. Grey could thus far commit their honour, they took care to be well assured of the fact by direct personal communication with the Prince himself. He most solemnly denied the whole upon his sacred honour; and his denial was, through those most respectable channels, conveyed to the House of Commons. We are giving here a matter of history well known at the time;—a thousand times repeated since, and never qualified by the parties, nor ever contradicted on their behalf. It must be con-

fessed, that this passage of the Prince's story made his treatment of Mrs. Fitzherbert complete in all its parts. After seducing her with a false and fictitious marriage, he refused her the poor gratification of saving her reputation, by letting the world believe he had really made her his wife. Instances are not wanting of men committing in public a breach of veracity, and sacrificing truth, to save the reputation of their paramours; nor is any moralist so stern as to visit with very severe censure conduct like this. But who was there ever yet so base as deliberately to pledge his honour to a falsehood, for the purpose of his own protection, and in order to cover with shame her whom his other false pretences had deceived into being his paramour? Bad as this is, worse remains to be told. This treachery was all for the lucre of gain; the question was raised, upon an application to Parliament for money; and the falsehood was told to smooth the difficulties that stood in the way of a vote in Committee of Supply!

The influence of Mrs. Fitzherbert gave place to another connexion, but she retained that sway over his mind which we have described as the brightest feature in the Prince's character. Hence he spared no pains to make her believe that the public denial of their wedlock was only rendered necessary by his father's prejudices and tyrannical conduct. She well knew, that to find an example of fear greater than that dread with which he quailed at the sound of his father's voice, or indeed the bare mention of his name, it was necessary to go among the many-coloured inhabitants of the Caribbee Islands; and hence she could the more easily credit the explanation given of the disclaimer so cruel to her feelings. In private, therefore, and with her, he still passed himself for her husband, and she learned, like other and more real wives, to shut her eyes upon his infidelities, while her empire over his mind remained unshaken. The pressure of new difficulties rendered a regular marriage necessary for his extri-

cation; but as this must at once and for ever dispel all that remained of the matrimonial delusion, he long resisted the temptation, through fear of Mrs. Fitzherbert, and dread of their intercourse coming to a violent end. At length the increasing pressure of his embarrassments overweighed all other considerations, and he consented to a marriage, and to give up Mrs. Fitzherbert for ever. Others with whom he lived upon the most intimate terms are believed to have interposed fresh obstacles to this scheme; but these were overcome by an understanding that the new wife should enjoy only the name;—that systematic neglect and insult of every kind heaped upon her should attest how little concern the heart had with this honourable arrangement, and how entirely the husband continued devoted to the wedded wives of other men. Every thing was now settled to the satisfaction of all parties. The old spouse was discarded—the old mistresses were cherished, fondled, and appeased—the faithful Commons were overjoyed at the prospect of a long line of heirs to the crown—the loyal people were enraptured at the thoughts of new princes and princesses—the King, while he felt his throne strengthened by the provision made for the succession, was gratified with whatever lowered the person he most hated and despised—and the Prince himself was relieved of much debt, and endowed with augmented resources. One party alone was left out of the general consideration—the intended consort of this illustrious character, whose peculiar pride it was to be called by his flatterers the "First Gentleman in Europe."

Caroline Princess of Brunswick was the individual whom it was found convenient to make the sacrifice on this occasion to an arrangement that diffused so universal a joy through this free, moral, and reflecting country. She was niece of George III., and consequently one of the Prince's nearest relations. Nor has it ever been denied, that in her youth she was a Prin-

cess of singular accomplishments, as well of mind as of person. All who had seen her in those days represented her as lovely; nor did she, on touching our shores, disappoint the expectations which those eye-witnesses had raised. All who had known her in that season of youth, and before care had become the companion of her life, and the cruelty of others had preyed upon her feelings and sapped her understanding, described her mental endowments as brilliant; and a judge, alike experienced and fastidious, long after she had come amongst us, continued to paint her as formed to be "the life, grace, and ornament of polished society."* Her talents were indeed far above the ordinary level of women, and had her education not been rather below the average stock of Princesses, they would have decked her in accomplishments remarkable for any station. Endowed with the greatest quickness of apprehension, with a singularly ready wit, and with such perseverance as is rarely seen in the inmates of a court, she shone in conversation, and could have excelled in higher studies than statuary, the only one to which she devoted her attention. If it be said that her buoyant spirits were little compatible with the etiquette of a German court, and made her attend less to forms than the decorum of our English palaces, under the cold and stiff reign of George and Charlotte, might seem to require—so must it be confessed, on the other hand, that no person of the exalted station to which this great lady was born, and the still higher elevation of rank which she afterwards reached, ever showed such entire freedom from all haughtiness and pride, or more habitually estimated all who approached her by their intrinsic merits alone. The first duchess in the land, and the humblest of its peasants, were alike welcome to her, if their endowments and their dispositions claimed her regard; and, if by the accident of birth she was more frequently thrown into the

* Mr. Canning in the House of Commons.

fellowship of the one, she could relish the talk, seek out the merits, admire the virtues, and interest herself in the fortunes of the other, without ever feeling the difference of their rank, even so far as to betray in her manner that she was honouring them by her condescension. Thus, all might well be charmed with her good-nature, lively humour, and kindly demeanour, while no one ever thought of praising her affability.

But Caroline of Brunswick had far higher qualities than these; she put forward, in the course of her hapless and chequered existence, claims of a much loftier caste. She had a delight in works of beneficence that made charity the very bond of her existence; nor were the sufferings of her life unconnected with this amiable propensity of her nature. Her passionate fondness for children, balked by that separation from her only offspring to which she was early doomed, led her into the unwise course of adopting the infants of others, which she cherished as if they had been her own. Her courage was of the highest order of female bravery, scorning all perils in the pursuit of worthy objects, leading her certainly into adventures that were chiefly recommended by their risks, but, like the active courage of a woman, suffering occasionally intervals of suspension according to the state of the animal spirits, possibly influenced by the physical constitution of the female frame, although the passive virtue of fortitude never knew abatement or eclipse. There were occasions, indeed, when her two distinguishing characteristics were both called forth in unison, and her brave nature ministered to her charity. While travelling in the East, the plague broke out among her suite. Unappalled by a peril which has laid prostrate the stoutest hearts, she entered the hospital, and set to others the example of attending upon the sick, regardless of even the extreme risk which she ran by hanging over their beds and touching their persons. Let it be added to this, that her nature was absolutely without malice

or revenge; that she hardly knew the merit of forgiveness of injuries, because it cost her nothing; and that a harsh expression, a slanderous aspersion, any indication of hatred or of spite, never broke from her, even when the resources of ingenuity were exhausted in order to goad her feelings, and self-defence almost made anger and resentment a duty.

It will be said that the fair side is here presented of this remarkable picture,—remarkable if the original were found in a cottage, but in a palace little short of miraculous. If, however, there be so fair a side to the portraiture, shall it not turn away the wrath which other features may possibly raise on reversing the medal? But that is not the defence, nor even the palliation, which belongs to this unparalleled case. Was ever human being who had been so treated—above all, was ever woman who had been so treated as this woman had been—visited with severe censure if she at some time fell into the snares at all times laid for her undoing? Were ever faults, made next to unavoidable, by systematic persecution in all matters down to the most trifling from the most grave, regarded as inexpiable, or only to be expiated by utter destruction? It is one of the grossest and most unnatural of the outrages against all justice, to say nothing of charity, which despots and other slave-owners commit, that they visit on their hapless victims the failings which their oppressions burn as it were into the character—that they affect disgust and reprobation at what is their own handiwork—and assume from the vices they have themselves engendered a new right to torment whom they have degraded. These men can never learn the lessons of inspired wisdom, and lay their account with reaping as they have sowed. Were a tyrant to assume some strange caprice, by grafting the thorn upon the vine-tree, or placing the young dove among vultures to be reared, surely it would surpass even the caprice of a tyrant, and his proverbial con-

tempt of all reason beyond his own will, were he to complain that he could no longer gather grapes from the plant, and that the perverted nature of the dove thirsted for blood. Did any parent, unnatural enough to turn his child among gipsies, ever prove so senseless or unreasonable as to complain of the dishonest habits his offspring had acquired? By what title, then, shall a husband, who, after swearing upon the altar to love, protect, and cherish his wife, casts her away from him, and throws her into whatever society may beset her in a strange country, pretend to complain of incorrect demeanour, when it is no fault of his that there remains in the bosom of his victim one vestige of honesty, of purity, or of honour? It is not denied, it cannot be denied, that levities little suited to her station marked the conduct of the Princess; that unworthy associates sometimes found admittance to her presence; that in the hands of intriguing women she became a tool of their silly, senseless plots; that, surrounded by crafty politicians, she suffered her wrongs to be used as the means of gratifying a place-hunting ambition, which rather crawled than climbed; and that a character naturally only distinguished by mere heedless openness, and a frankness greater than common prudence seems to justify in those who dwell in palaces, became shaded, if not tarnished, by a disposition to join in unjustifiable contrivances for self-defence. But the heavy charges of guilt brought against her, in two several investigations, were triumphantly repelled, and by the universal assent of mankind, scattered in the wind, amidst their unanimous indignation; and from the blame of lesser faults and indiscretions into which she is admitted to have been betrayed, the least regard to the treatment she met with must, in the contemplation of all candid minds, altogether set her free.

No sooner was the marriage solemnized, which plunged the country into unmixed joy, and raised a mingled expectation and sneer among the population

of the court, than the illustrious husband proceeded to the most exemplary, and indeed scrupulous fulfilment of his vows—but not those made at the altar. There were others of a prior date, to which, with the most rigorous sense of justice, he therefore gave the preference;—performing them with an exactness even beyond the strict letter of the engagement. It is true they were not quite consistent with the later obligations "to love, cherish, and protect;" but they were vows notwithstanding, and had been attested with many oaths, and fierce imprecations, and accompanied with a touching and a copious effusion of tears. Their purport was an engagement to reject, to hate, and to insult the wedded wife; to yield her rivals, not unwedded, but the helpmates of other lords, the preference on all occasions; to crown the existence of the one with all favour, and affection, and respect, while that of the other should be made wretched and unbearable by every slight which could be given, every outrage which could be offered to the feelings most tyrannical over the female bosom. Swift followed, then, upon the making of the second and public vow, the punctual fulfilment of the first and private obligation. Never did the new-married pair meet but in the presence of others; the Princess was treated on every occasion, but most on public occasions, with ostentatious neglect, nay, with studied contumely; each resource of ingenious spite was exhausted in devising varied means of exhibiting her position in melancholy contrast with the empire of her rivals: when she submitted, trampled upon as dastardly and mean; when she was reluctantly goaded into self-defence, run down and quelled and punished as contumacious; and as soon as mal-treatment was suspected to have begotten the desire of retaliation, she was surrounded with spies, that not a gesture or a look, a word or a sigh, might pass unregistered, unexaggerated, unperverted. Yet no one incident could be found upon which to hang the

slightest charge of impropriety. Witness the necessity to which the Whig friends of Carlton House were reduced (for want of other blame), of complaining that the sympathy of the people had been awaked in behalf of the persecuted and defenceless stranger; and that she did not shun occasions of seeing her only friend, the People, so carefully as the Whig notion of female propriety deemed fitting, or the Carlton House standard of conjugal delicacy required.

At the end of a tedious and sorrowful year, the birth of the Princess Charlotte once more intoxicated the nation with loyal joy, and made it forget as well the silent sorrows of the one parent, as the perfidious cruelty of the other. Scarce had the mother recovered, when a fresh and unheard-of outrage greeted her returning health. The "First Gentleman of his age" was pleased, under his own hand, to intimate that it suited his disposition no longer to maintain even the thin covering of decency which he had hitherto suffered to veil the terms of their union; he announced that they should now live apart; and added, with a refinement of delicacy suited to the finished accomplishments of his pre-eminence among gentlemen, that he pledged himself never to ask for a nearer connexion, even if their only child should die,—he interjected, with a moving piety, "Which God forbid!"—in case it might be imagined that the death of the daughter was as much his hope as the destruction of the mother. The separation thus delicately effected made only an apparent change in the relative position of the parties. They had before occupied the same house, because they had lived under one roof, but in a state of complete separation; and now the only difference was, that, instead of making a partition of the dwelling, and assigning her one half of its interior, he was graciously pleased to make a new division of the same mansion, giving her the outside, and keeping the inside to his mistresses and *himself*.

The incessant vigilance with which the unhappy Princess's conduct was now watched, by eyes ready to minister fictions to those who employed them, soon produced a report that their prey had fallen into the appointed snare. It was duly represented to the "Most amiable Prince of his times," living with his paramours, that the wife whom he had discarded for their society, and to whom he had given what the head of the law, his comrade and adviser,* scrupled not to term "a Letter of Licence," had followed his example, and used the licence; in short, that she had been secretly delivered of a child. No intrigue had been denounced as detected by the spies; nor could any person be fixed on as he who had committed high treason, by defiling the solitary bed to which the "Companion of the King's son"† had been condemned by her tender and faithful consort. The charge, however, was made, and it was minutely investigated,—not by the friends of the accused, but by the political and the personal associates of her husband. The result was her complete and triumphant acquittal of all but the charge that she had, to vary the monotony of her sequestered life, adopted the child of a sailmaker in the neighbourhood of her residence; thus endeavouring to obtain for her own daughter's society a substitute upon whom the natural instinct of maternal feeling might find a vent, to relieve an overburthened heart. It was little creditable, certainly, to the Commissioners who conducted this "Delicate Investigation," as it was termed, that they stooped to mention levities of conduct wholly immaterial, and confessedly quite inoffensive in her, while they cautiously abstained from pronouncing any censure upon the guilt of the other party, by whose faithlessness and cruelty her existence had been rendered a scene of misery.

In those days the accidental distributions of party

* Lord Thurlow.

† *La Compagne Fitz le Roy*—says the statute of Treasons.

had made the Princess acquainted with the most eminent of the Tory chiefs—Lord Eldon, Mr. Perceval, and Mr. Canning. These distinguished personages composed her familiar society, and they were her faithful counsellors through all her difficulties. Nor would it have been easy to find men on whom she could more safely rely for powerful assistance as advocates, or able advice as friends. They prepared an elaborate statement of the Princess's case, which accidental circumstances kept them from making public; but enough of the proceeding transpired to make the country aware of the extraordinary course which had been pursued by the Prince's political friends.

It is difficult to describe the sensation which the Report of the Secret Tribunal made wherever a knowledge of its contents reached. That a wife, a Princess, and a stranger, should be subjected to treatment the most cruel and unmanly, should then be driven from the shelter of her husband's roof, should be surrounded by spies and false witnesses, and, having been charged with a capital offence—nay, with high treason—should be tried behind her back, with the most able counsel to attend on behalf of her persecutor and accuser, without a human being present on her behalf, so much as to cross-examine a witness, or even to take a note of the evidence—was a proceeding which struck all men's minds with astonishment and dismay, and seemed rather to approach the mockery of all justice presented in the accounts of eastern seraglios, than to resemble anything that is known among nations living under constitutional Governments. But if the investigation itself was thus an object of reprobation and disgust, its result gave, if possible, less satisfaction still. What could be said of a sentence which showed that, even when tried behind her back, and by an invisible tribunal formed wholly of her adversaries, not the shadow of guilt could be found in her whole conduct; and that

even the mercenary fancies and foul perjuries of the spies had failed to present any probable matter of blame; and yet, instead of at once pronouncing her innocent and unjustly accused, begrudged her the poor satisfaction of an acquittal, and, fearful of affording her the triumph to which innocence is entitled, and offending the false accuser, both passed over all mention of her unparalleled wrongs, and left a stigma upon her name, by the vague recommendation that the King should advise her concerning certain levities or indiscretions of behaviour—an allusion so undefined, that any one might fill up the dark outline as his imagination should enable him, or his want of common charity prompt him to do? Every one knew that, had there been the least tangible impropriety, though falling far short of guilt, it would have been stated in the Report; but the purposes of the accuser, to which the secret judges lent themselves, were best served by a vague and mysterious generality, that meant everything, and anything, as well as nothing, and enabled him to propagate by his hireling favourites, all over society, any new slanders which he might choose to invent.

The confirmed insanity of the King, three years afterwards, called to the Regency the chief actor in these unhappy scenes. No prince ever ascended the throne with so universal a feeling of distrust, and even aversion. Nor was this lessened when the first act of his reign proved him as faithless to his political friends as he had been to his wife; and as regardless of his professed public principles as he had been of his marriage vows. It added little respect to the disesteem in which he was universally held, that he was seen to discard all the Liberal party with whom he had so long acted; with whom, after an interval of separation, he had become again intimately united, and among them the very men who had stood by him in his domestic broils; whilst he took into full favour his determined enemies, and, worst of all, the very men who had

prepared attacks upon him too outrageous to find a publisher!

The accession of the Princess's friends to the Regent's favour was the period of their intercourse with their former client. Not the slightest communication could now be held with her whose just quarrel they had so warmly espoused while the Prince was their antagonist; and Mr. Canning* alone of them all, to his transcendent honour, refused to pay the tribute exacted by the Court of deserting a former friend, because an enemy had been found placable; and because he, setting too high a value upon his forgiveness, required his new favourites to be as perfidious as himself.

It is impossible to separate from the history of George IV. that of his wife, for it is united with the most remarkable features of his character; his boundless caprice—his arbitrary nature—his impatience of contradiction and restraint—his recklessness of consequences when resolved to attain a private end—qualities which, if guided by a desire of compassing greater ends and sustained by adequate courage, would have aroused a struggle for absolute power, fatal either to the liberties of the country or to the existence of the monarchy.

The Princess of Wales, wearied out with unceasing persecution, had gone abroad, leaving behind her, as the only support on which she could rely, her only daughter, disease having deprived her of the steady favour and undeviating support of the King, her father-in-law and uncle. The death of both that King and that daughter was the signal of new attempts against her peace. The history of the Milan Commission is fresh in the recollection of all. A board of three persons—a Chancery lawyer, who had never seen a witness examined, and whose practice was chiefly confined to cases in bankruptcy, on which he had written an excellent book—a colonel in the army, who knew but

* Mr. Canning, however, was not now in office, nor for many years after.

little more of the matter—an active and clever attorney—composed this select body, commissioned to hunt for evidence which might convict the future Queen, and be ready to overwhelm her if she asserted her right to share her consort's throne.

Sir John Leach was an active adviser of all these nefarious proceedings; nor could all England, certainly not all its bar, have produced a more unsafe counsellor. With great quickness of parts, an extraordinary power of fixing his attention upon an argument, and following steadily its details, a rare faculty of neat and lucid statement, even of the most entangled and complicated facts, considerable knowledge of legal principles, and still greater acquaintance with equity practice, he was singularly ignorant of the world, and had no kind of familiarity with the rules or the practice of evidence in the courts of common or criminal law. Moderately learned in his own profession, beyond it he was one of the most ignorant men that ever appeared at the bar. Yet, by industry, and some art of gaining favour, by making himself useful to the powerful and the wealthy, little scrupulous how much he risked in any way to serve them, he had struggled with the defects of a mean birth and late adoption into the rank he afterwards so greatly affected; and he had arrived at extensive practice. "Nullum ille poetam noverat, nullum legerat oratorem, nullam memoriam antiquitatis collegerat: non publicum jus, non privatum et civile* cognoverat.—Is omnibus exemplo debet esse quantum in hâc urbe polleat multorum obedire tempori, multorumque vel honori, vel periculo servire. His enim rebus, infimo loco natus, et honores, et pecuniam, et gratiam consecutus, etiam in patronorum sine doctrinâ, sine ingenio, aliquem numerum pervenerat." (Cic. *Brutus.*) The power of deciding causes, which he showed when raised to the bench, was favourably con-

* Equity, *jus prætorium*, is not very clearly here excluded.

trasted with the dilatory and doubting habits of Lord Eldon; but there was much of what Lord Bacon calls "affected despatch" in his proceedings; and while he appeared to regard the number of judgments which he pronounced in a given time far more than their quality, he left it to his learned chief to complain that cases were decided at the Rolls, but heard when they came by appeal before the Chancellor: while the wits, calling one the court of *oyer sans terminer*, named the other that of *terminer sans oyer;* and a great and candid critic (Sir S. Romilly) professed himself, to Lord Eldon's extreme delight, better pleased with the tardy justice of the principal than with the swift injustice of the deputy. The ridicule which he threw around his conduct in society, by his childish devotion to the pursuits of fashionable life, in which neither his early habits nor his turn of mind fitted him to excel, was another result derived from the same want of sound judgment. But its worst fruit was that unhesitating and overweening confidence in his own opinion, which exceeded that of any other man, and perpetually led both himself and his clients astray. Uncontrolled conceit, a contracted understanding that saw quickly and correctly very near objects, and disbelieved in the existence of all beyond, conspired with a temper peculiarly irascible to give him this habit of forming his opinion instantaneously, and this pertinacity in adhering to it, excluding all the light that could afterwards be let in upon the subject under consideration. The same hasty and sanguine temperament made him exceedingly prone to see matters as he wished them to be; and when he had a client whom he desired to gratify, or for whom he felt a strong interest, his advice became doubly dangerous; because, in addition to his ordinary infirmities of judgment, he formed his opinion under all the bias of his wishes, while he gave it and adhered to it without running any hazard in his own person. His courage, both personal and political, was frequently

commended; but there may be some doubt if to the latter praise he was justly entitled. His personal gallantry, indeed, was quite unquestionable, and it was severely tried in the painful surgical operations to which he submitted with an ease that showed how little the risk and the suffering cost him. But the peculiarity of his character that made him so wise in his own conceit, and lessened the value of his counsels, also detracted much from the merit of his moral courage, by keeping him blind to difficulties and dangers, the presence or the approach of which could be discovered by all eyes but his own.

Such was the counsellor whom the Regent trusted, and who was as sure to mislead him as ever man was that undertook to advise another. The wishes of his great client were well known to him; his disrelish for the caution, and the doubts, and the fears of Lord Eldon had been oftentimes freely expressed; Sir John Leach easily saw every part of the case as the Regent wished—quickly made up his mind on the pleasing side—set himself in the same advantageous contrast with the Chancellor on this, as he delighted to do on more ordinary occasions—and, because he perceived that he delighted the royal consulter at present, never doubted that his successful conduct of the affair would enable him to supplant his superior, and to clutch the Great Seal itself. The possibility of royal ingratitude never entered his narrow mind, any more than that of his own opinion being erroneous; nor did he conceive it within the nature of things, that in one respect the client should resemble his adviser, namely, in retaining his predilection only so long as measures were found to succeed, and in making the counsellor responsible in his own person for the failure of all from whom anything had ever been expected. Under these hopeful auspices, the most difficult and delicate affair ever yet undertaken by statesmen was approached; and while, under the sanguine counsels of Sir John, no one of the

conspirators ever thought of questioning the success of their case, another question was just as little asked among them, which yet was by far the most important of all—Whether, supposing the case proved against the Princess, the conspirators were one hair's-breadth nearer the mark of effecting her ruin, or whether that first success would not bring them only the nearer to their own.

The Milan Commission proceeded under this superintendence, and as its labours, so were its fruits exactly what might have been expected. It is among foreigners the first impression always arising from any work undertaken by English hands and paid for by English money, that an inexhaustible fund is employed, and with boundless profusion; and a thirst of gold is straightway excited which no extravagance of liberality can slake. The knowledge that a Board was sitting to collect evidence against the Queen immediately gave such testimony a high value in the market of Italian perjury; and happy was the individual who had ever been in her house or admitted to her presence; his fortune was counted to be made. Nor were they who had viewed her mansion, or had only known the arrangements of her villa, without hopes of sharing in the golden prize. To have even seen her pass, and to have noted who attended her person, was a piece of good luck. In short, nothing, however remotely connected with herself, or her family, or her residence, or her habits, was without its value among a poor, a sanguine, and an imaginative people. It is certain that no more ready way of proving a case, like the charge of criminal intercourse, can be found, than to have it first broadly asserted for a fact; because, this being once believed, every motion, gesture, and look is at once taken as proof of the accusation, and the two most innocent of human beings may be overwhelmed with a mass of circumstances, almost all of which, as well as the inferences drawn from them, are

really believed to be true by those who recount or record them. As the treachery of servants was the portion of this testimony which bore the highest value, that, of course, was not difficult to procure; and the accusers soon possessed what, in such a case, may most truly be deemed *accusatori maxime optandum*—not, indeed, *confitentis reos*, but the man-servant of the one, and the maid-servant of the other supposed paramour. Nor can we look back upon these scenes without some little wonder how they should not have added even the *confitentem reum;* for surely in a country so fertile of intriguing men and abandoned women—where false oaths, too, grow naturally, or with only the culture of a gross ignorance and a superstitious faith—it might have been easy, we should imagine, to find some youth like Smeaton in the original Harry the Eighth's time, ready to make his fortune, both in money and female favours, by pretending to have enjoyed the affections of one whose good nature and easy manners made the approach to her person no difficult matter at any time. This defect in the case can only be accounted for by supposing that the production of such a witness before the English public might have appeared somewhat perilous, both to himself and to the cause he was brought to prop with his perjuries.

Accordingly, recourse was had to spies, who watched all the parties did, and, when they could not find a circumstance, would make one; men who chronicled the dinners and the suppers that were eaten, the walks and the sails that were enjoyed, the arrangements of rooms and the position of bowers, and who, never doubting that these were the occasions and the scenes of endearment and of enjoyment, pretended to have witnessed the one, in order that the other might be supposed; but with that inattention to particulars which Providence has appointed as the snare for the false witness, and the safeguard of innocence, pretended to have seen in such directions as would have required

the rays of light to move not straightforward, but roundabout. Couriers that pryed into carriages where the travellers were asleep at grey daylight, or saw in the dusk of dewy eve what their own fancy pictured,—sailors who believed that all persons could gratify their animal appetites on the public deck, where themselves had so often played the beast's part,—lying waiting-women, capable of repaying the kindness and charity that had laid the foundation of their fortune, with the treachery that could rear it to the height of their sordid desires,—chambermaids, the refuse of the streets and the common food of wayfaring licentiousness, whose foul fancy could devour every mark that beds might, but did not, present to their practised eye,—lechers of either sex, who would fain have gloated over the realities of what their liquorish imagination alone bodied forth,—pimps of hideous aspect, whose prurient glance could penetrate through the keyhole of rooms where the rat shared with the bug the silence of the deserted place—these were the performers whose exploits the Milan Commissioners chronicled, whose narratives they collected, and whose exhibition upon the great stage of the first tribunal of all the earth they sedulously and zealously prepared by frequent rehearsal. Yet, with all these helps to success, with the unlimited supply of fancy and of falsehood, which the character of the people furnished, with the very body-servants of the parties hired by their wages, if not bought with a price—such an array only could be produced as the whole world at once pronounced insufficient to support any case, and as even the most prejudiced of assemblies in the accuser's favour turned from with scorn and disgust.

The arrival of the Queen in this country, on the accession of George IV., was the signal for proceeding against her. A *green bag* was immediately sent down to the two Houses of Parliament, containing the fruits of the Milanese researches; and a Bill of Pains and

Penalties was prepared for her destruction. Such was the proceeding of the Court, remarkable enough, certainly, in itself—sufficiently prompt—abundantly daring—and unquestionably pregnant with grave consequences. The proceeding of the country was more prompt, more decided, and more remarkable still. The people all in one voice Demurred to the Bill. They said, "Suppose all to be true which her enemies allege, we care not: she was ill-used; she was persecuted; she was turned out of her husband's house; she was denied the rights of a wife as well as of a mother; she was condemned to live the life of the widow and the childless, that he who should have been her comforter might live the life of an adulterous libertine; and she shall not be trampled down and destroyed to satiate his vengeance or humour his caprice." This was the universal feeling that occupied the country. Had the whole facts as charged been proved by a cloud of unimpeachable witnesses, such would have been the universal verdict of that country, the real jury which was to try this great cause, and so wide of their object would the accusers have found themselves at the very moment when they might have fancied the day their own. This all men of sense and reflection saw; this the Ministers saw; this, above all, the sagacious Chancellor very clearly saw with the sure and quick eye which served his long and perspicacious head; but this Sir John Leach never could be brought for a moment even to comprehend, acute as he was, nor could his royal friend be made to conceive it; because, though both acute men, they were utterly blinded by the passions that domineered in the royal breast and the conceited arrogance that inspired the vulgar adviser.

But if the Ministers saw all these things; and if they moreover were well aware—as who was not?—that the whole country was excited to a pitch of rage and indignation bordering upon rebellion, and that the struggle, if persisted in against a people firmly resolved

to stand between the Court and its prey, must hurry them into wide-spreading insurrection—how, it will be asked, was it possible that those Ministers—whose hatred of the bill must have been as great as their apprehensions of its consequences were grave, and who had not the shadow of an interest in its fate, except that it should instantly be abandoned—could be brought to sanction a proceeding fraught not only with every mischief to the country, but with the extremest peril to themselves? The great difficulty of answering this question must be confessed; nor is it lessened by the reflection that at the head of the Government in those days there were men whose prudence was more striking than any other quality; men cautious, unpretending, commonplace, and loving place, like Lord Liverpool; wary, cold, circumspect, though of unflinching courage, like Lord Castlereagh; far-sighted, delighting in seeing all difficulties that existed, and many that did not, like Lord Eldon; above all, so firm-minded a man as the Duke of Wellington,—a man, too, so honourable in all his feelings, and so likely to influence the councils, if he failed to turn aside the desires, of the Sovereign. The defenders of the Ministers never affected to doubt the mischievous nature of the whole proceeding; they admitted all their opinions to be strongly and decidedly against it; they saw, and confessed that they saw, all the dangers to which it exposed the country; they did not deny that it was the mere personal wish of the King; and that it was the bounden duty, as well as the undoubted interest of his Ministers, peremptorily to refuse their assistance to such a wicked and hopeless project;—admitting, all the while, that as the bill never could be carried through and executed, all the agitation with which so monstrous an attempt was convulsing the country had absolutely not a chance of success, in so far as concerned the King's object. Then, what reason did they assign for the Ministers lending themselves to such an

enormity? It seems incredible, but it is true, that the only ground ever hinted at was the King's fixed determination, and the risk his Ministers ran of losing their places if they thwarted him in his favourite pursuit! Yes, as if the loss of office was like the loss of life, and they had no power of refusing, because refusal was death, they crouched to that command, rather than yield to which, men of integrity and of firmness would have faced actual death itself. It is certain, that had the Duke of Wellington been longer in civil life, and attained his due weight in the councils of the Government, that weight which this great statesman has since so eminently acquired, he would have taken this and no other view of the question; but it is equally certain that the Ministers at large betrayed the same submissive obedience to their master's will, showed the same dread of facing his displeasure, which unnerves the slaves of the Eastern tyrant when his voice echoes through the vaults of the seraglio, or casts them prostrate before his feet, as the scimitar's edge glances in their eye, and the bowstring twangs on their ear.

The course taken by the leading supporters of the Queen rendered the conduct of the Government still more despicable. It was early announced by Mr. Brougham in the House of Commons that nothing could be more safe than for the Ministers to refuse carrying through the bill, because, if the King after that, should venture to dismiss them on account of their refusal, no man among their adversaries would venture to take office from which the former occupants had been driven for refusing to abandon their duty, and fly in the people's face. The King at once perceived the tendency of this announcement; and he skilfully met it in the only way that could be devised for counteracting that tendency. He gave his Ministers to understand, that if he turned them out for refusing to go on with the bill, he should take their

adversaries into their places without requiring them to adopt or support it. The contrivance was certainly not without ingenuity; but a little reflection must have satisfied even the most timorous place-holder that he had little to fear from so senseless a resolution, and that, as long as the Whigs refused to outbid them for the royal favour in the only stock which had any value at Carlton House, support of the bill, there was no chance whatever of their being taken into office on any other terms. There surely must be something in official life as sweet as natural life is supposed to be, and something peculiarly horrible to statesmen in the bare possibility of political death—else why this pleasing hope, this fond desire, this longing after longevity —or why this dread of dissolution that makes the soul shrink back upon itself? But in one material particular the two kinds of life and death widely differ. The official's death-bed is not cheered by any hopes of immortality. The world to which he now looks forward is another, but not a better world. He knows full sure that, from the pleasing state of being to which he has been so long used, and so fondly clings, he must instantly, on the great change taking place, be plunged into the dreary night of a placeless existence; be cast away with other mournful ghosts on the tempest-beaten coast of Opposition, there to wander uncertain of ever again being summoned from that inhospitable shore, or visiting the cheerful glimpses of the courtly day. Hence it is, that while men of ordinary powers are daily seen to meet death in the breach for honour or patriotism, hardly any can be found, even among the foremost men of any age, whose nerves are firm enough to look in the face the termination of official existence; and none but one bereft of his senses ever makes himself a voluntary sacrifice for his principles or his country. The Ministers of 1820 numbered not among them any one so void of political reason as to follow Mr. Canning's noble example, and

all were resolved to forego the discharge of every duty, and incur, both then and ever after, the loudest reproaches, rather than put to hazard the existence of the Administration.

The people, we have said, in one voice Demurred to the Bill, and plainly indicated that, if every tittle of the charges against the Queen were proved, or were admitted to be true, they would not suffer her to be sacrificed to the rage of one who had no right whatever to complain of her conduct were it ever so bad. But this feeling did not prevent them from also being prepared, in justice towards her character, to take issue upon the fact; and accordingly the trial before the Lords was looked to with the most universal and painful anxiety, though with a confidence which nothing could shake. After a strenuous but unavailing attempt to arrest the progress of the measure, and fling out the bill on the first reading, her Majesty's counsel, Mr. Brougham her Attorney, and Mr. Denman her Solicitor General, prepared to resist it upon the merits of the case, to meet the evidence of the Milan Commissioners, and to defend their august client from every accusation.* An adjournment of some weeks was allowed the promoters of the measure to prepare their case; the Parliament, instead of the usual prorogation, remained sitting, though the Commons adjourned from time to time; and the 17th of August was fixed for the opening of this extraordinary cause. All that public expectation and anxiety excited to the highest pitch could lend of interest to any trial, was here combined, with the unexampled attendance daily of all the Peers of the empire, the assistance of all the judges of the land, the constant presence of the Commons, a vast concourse of spectators. The Queen several times proceeded to the House in state, accom-

* Her other counsel were Mr. Justice Williams, Mr. Serjeant Wilde (now Lord Truro), Mr., afterwards Lord Chief Justice Tindal, and Dr. Lushington.

panied by her suite; and occupied a seat near her counsel, but within the bar. The Nobles best known to the surrounding multitude were greeted on their way to and from Westminster with expressions of popular feeling, friendly or hostile, according as they were known to take part with or against her Majesty; but, on the whole, extraordinary tranquillity prevailed. This was very much owing to the undoubted confidence of a favourable result, which kept possession of the people from the very first; for when the deposition of the chief witness against the Queen had proved very detrimental to her case, and her adversaries were exulting before his cross-examination had destroyed his credit, very alarming indications of irritation and rage were perceived, extending from the people to the troops then forming the garrison of the capital. Nor were there wanting those who judged it fortunate for the peace of the empire and the stability of the throne, that so popular a Prince and so very determined a man as the Duke of Kent was not then living to place himself at the head of the Queen's party, espoused as that was by the military no less than by the civil portion of the community.

After great and memorable displays of eloquence and professional skill on all sides, it was found that the case had failed entirely; and the bill, which for so many months had agitated the whole country, was at length, on the 7th of November, withdrawn. It is said that the advisers of the Queen were dissatisfied with the conduct of that party to which they, generally speaking, belonged, the Whigs—because these might have much more shortly made an end of the case. There were several periods in the proceeding which offered the firmest ground for that great and powerful body to act with decisive effect; espousing as it did the *right* side of the question, but espousing it feebly, and not very consistently. If at any of those points they had made a strenuous resistance, and refused to

proceed farther, though they might have been defeated by a small majority, the conductors of the Queen's case would have at once withdrawn from a proceeding which presented daily to the indignant world the spectacle, most abhorrent to every right feeling, of justice outraged no less in form than in substance. Had they retired from this scene of mockery and vexation, the country was so entirely with them, that the Lords never would have ventured to proceed in their absence.* But fate ordered it otherwise: the whole case on both sides was exhausted to the very dregs; and, the accusation failing, the Ministers were fain, on carrying one vote by only a majority of seven, to withdraw their master's bill and leave him to himself. There is every reason to believe that they were too happy to have so good a pretence for sounding a retreat from their hazardous position; and they rested satisfied with allowing the King to continue the same petty warfare of annoyance and insult in which the royal veteran had formerly reaped so many laurels, only refusing him any more Bills of Attainder.

Under such aggressions upon her peace and the comforts of all her associates and supporters, after a struggle of less than a year, the gallant nature sunk, which had borne up against all neglect, braved the pitiless storms of incessant annoyance, and finally triumphed over the highest perils with which persecution could surround her. The people continued firmly her friend, but the upper classes were, as usual, found unable to face the frowns or resist the blandishments of the Court. As long as the interest of the contest continued, and popular favour could be gained by

* The difficulties in which the Whig leaders then were placed hardly fell short of those of the Ministers. Than Lord Grey's whole conduct nothing could be more noble; whether the powers which he displayed or the honest independence of his demeanour be regarded. But we must restrain ourselves from the subject, so inviting, of sketching that amiable, honourable, and highly gifted person's character—offering such a brilliant contrast to many of whom we have spoken.

taking the right side, these aristocratic partizans could defy, or thought they could defy, the royal displeasure; but when the excitement had subsided, and no precise object seemed furthered by any more popularity, they were disposed, some to regain lost favour elsewhere, almost all to avoid widening the breach. There would be no use in concealing the truth, were it not already well known; the Queen's circle became daily more and more contracted; her cause was as much as ever allowed to be that of right and justice; her husband's conduct that of a tyrant destitute alike of feeling and of honour; but he was powerful and she was weak; so the sentiment most generally felt was, that the subject was irksome, that it might as well now be dropped, that there were never such atrocities as the Prince had committed, nor such balls as he well and wisely gave from time to time; and that, if the sense of public duty commanded votes and speeches against the Bill in either House of Parliament, a feeling of what was due to near and dear relatives dictated the private duty of eschewing all that could close against their fashionable families the doors of Carlton House. In this state of the public mind, the resolution of the Queen once more to leave a country where her lot had been so wretched, would, upon its being disclosed, have produced very different effects in the various parts of the community. The people would have felt general concern, probably great, perhaps just displeasure; the Aristocracy, even its Liberal members, would have rejoiced at the removal of an irksome inconvenience. This plan, when on the eve of being carried into execution, was frustrated by Her Majesty's death. Exhausted by long-continued and unremitted persecution, and suffering severely by the signal failure of an attempt to attend the coronation, ill devised and worse executed, because planned against the peremptory remonstrances of her law advisers, and executed without any of her accustomed firmness of purpose,

she was stricken with a malady that baffled all the resources of the medical art; and she expired, after declaring to her chief adviser, in an affecting interview, that she was happy to die, for life had never been to her any enjoyment since her early years, and was now become a heavy burthen.

It is remarkable that the extreme fondness for young children which had twice before led her into trouble, should have caused her to do the only reprehensible act of her latter days.* The adoption of the sailmaker's child had led to the "Delicate Investigation," as it was called, of 1806; the delight she took in the child of one of her attendants, when in Italy, was the cause of all the favour which the father enjoyed in her household; and now her love of the child of her chaplain induced her to make room for the parents in her establishment, removing Lord and Lady Hood, whose services during her last persecution had been all that the most devoted attachment could render, and whose rank fitted them for the place according to the strictness of court etiquette. It is matter worthy of observation, that during the three hours of wandering which immediately preceded her decease, the names of any of the persons with whom she had been accused of improper conduct never

* In the acts which caused this celebrated Princess to be sometimes taxed with the habitual ingratitude of her *caste*, something may always be allowed for inconsistency and want of reflection. A striking instance of this occurred on the defeat of the Bill, in 1820. Mr. Brougham waited upon her to announce it, and tender his congratulations. She instantly said that there was a sum of 7000*l.* at Mr. D. Kinnaird's (the banker's), which she desired him to take, himself, and distribute 4000*l.* of it among his learned coadjutors. This he of course refused. Her Majesty would take no refusal, but the day after recurred to the subject, and insisted on his laying her commands before her other Counsel. They all joined in the respectful refusal. A few weeks after, Mr. Kinnaird suggested that the salaries of her law officers were in arrear, they never having been paid. The sum was under 200*l.*, but she peremptorily refused to have it paid off —and both this arrear, and all their other professional emoluments, on the ordinary scale, were first paid after her decease by the Treasury, among the other expenses of the cause!

escaped her lips; while she constantly spoke of their children, — a remarkable circumstance, if it be considered that the control of reason and discretion was then wholly withdrawn.

The body of the Queen lay in state at her villa near Hammersmith, and was conveyed through the metropolis attended by countless multitudes of the people. The King was then in Dublin, receiving those expressions of loyal affection in which our Irish fellow-subjects so lavishly deal, more especially when they are filled with expectations of thereby gaining some favourite object. Indeed, Mr. O'Connell himself, in consideration that money enough had not been spent in providing palaces, headed a proposition for building a mansion by subscription; but this, like so many other promises and threats, proved mere noise and bluster, not one farthing ever having been subscribed, nor any one step, probably, taken, after all this vapour. The Ministers, in their Master's absence, and having no orders from him, could only conjecture his wishes and act accordingly. They therefore called out the troops to prevent the funeral procession from passing through the City, and a struggle ensued with the people, which ended in the loss of life. Except that the funeral was turned aside at Hyde Park, this unjustifiable proceeding produced no effect; for, after moving along part of the New Road, it came back, supported by a countless multitude, and entered the Strand near Temple Bar so as to traverse the whole City. The inscription upon the coffin, dictated by the Queen herself—"Caroline of Brunswick, the murdered Queen of England"—made some ecclesiastical authorities refuse it admission into the churches, on its way to the port of embarkation, where it arrived, accompanied by the executors—Mr. Serjeant Wilde and Dr. Lushington, attended the remains of their royal client to the place of her final repose in Brunswick. The indecent haste with which the journey to Harwich

was performed excited indignation in all, surprise in none. Nor was there perhaps ever witnessed a more striking or a more touching scene than the embarkation displayed. Thousands of all ranks thickly covered the beach; the sea, smooth as glass, was alive with boats and vessels of every size, their colours floating half-mast high, as on days consecrated to mourning. The sun shone forth with a brightness which made a contrast to the gloom that shrouded every face; the sound of the guns booming across the water at intervals impressed the solemnity upon the ear. Captains, grown grey in their country's service, were seen to recal the Princess's kindness and charities, whereof they had been the witnesses or the ministers, unable to restrain the tears that poured along their scarred cheeks. At length the crimson coffin was seen slowly to descend from the crowded pier, and the barge that received it wheeled through the water, while the gorgeous flag of England floated over the remains of the "Murdered Queen," whose sufferings had so powerfully awakened the English people's sympathy, and whose dust they now saw depart from their shores for ever, to mingle with the ashes of an illustrious race of heroes,—smitten with feelings in which it would be vain to deny that a kind of national remorse at her murder exacerbated their deep commiseration for her untimely end.

Let it not be supposed that, in sketching the characters of George IV. and his Queen, this pen has been guided by the feelings of party violence to excuse the errors of the injured party, or exaggerate the offences of the wrongdoer. The portrait which has here been painted of him is undoubtedly one of the darkest shade, and most repulsive form. But the faults which gross injustice alone could pass over without severe reprobation, have been ascribed to their true cause,—the corrupting influence of a courtly education, and habits of unbounded self-indulgence

upon a nature originally good; and, although the sacred rules of morality forbid us to exonerate from censure even the admitted victim of circumstances so unfriendly to virtue, charity, as well as candour, permits us to add, that those circumstances should bear a far larger share of the reprehension than the individual, who may well claim our pity, while he incurs our censure.

It is impossible to close the sketch of these two exalted personages without a reflection suggested by the effects which were produced upon the public mind by the two most remarkable events connected with their personal history—the death of the Princess Charlotte, and the persecution of the Queen.

To those who witnessed the universal and deep affliction into which the nation was plunged by the former event, no description of the scene is necessary —to those who saw it not, all description would fail in conveying an adequate idea of the truth. It was as if each house had been suddenly bereaved of a favourite child. The whole country felt the blow, as if it had been levelled at every family within its bounds. While the tears of all classes flowed, and the manlier sex itself was softened to pity, the female imagination was occupied, bewildered, distracted, and the labours of child-bearing caused innumerable victims among those whom the incident had struck down to the ground. Yet the fact of a young woman dying in childbed was anything rather than out of the course of nature; certainly not a town in which it did not happen every month—possibly not a parish of any extent in which it did not occur every year; and in neither town nor parish had the event ever produced the least sensation beyond the walls of the house in which the mournful scene took place.

So the maltreatment, however gross, of a wife by her husband is unhappily by no means an event of rare occurrence. It is not often, certainly, that so

cruel and arbitrary a course of conduct has been pursued as that of George IV. towards his consort; but then cases of even greater brutality frequently occur, and pass with but little notice beyond the very small circle of those immediately connected with the parties. But the case of Queen Caroline flung the whole country into a state of excitement only equalled in universality and intenseness by the pangs of grief felt for her daughter's death two years before. Every family made the cause its own. Every man, every woman, took part in the fray. Party animosities, personal differences, were suspended, to join with an injured wife against her tyrant husband. The power of sovereignty itself was shaken to its centre. The military and the civil powers bore their part in the struggle which threatened the monarchy with destruction. The people were so much exasperated that they refused to the injured party herself the right to judge of her own injuries. When she intimated a wish to withdraw from endless persecution, and put a period to incessant annoyance, by retiring from the country, the multitude were roused to frenzy by the bare mention of such a movement, and would have sacrificed to their infuriated sense of the Queen's injuries those advisers who should have honestly counselled her retirement, nay, the Queen herself, who really wished to go away, and restore the peace of the kingdom, while she consulted her own repose. So great was the diversity in the public consideration of a royal and a private family quarrel!

The treatment experienced by the King himself affords an additional illustration of the extreme favour in which kings are holden by their subjects in these realms. Than George IV. no prince was ever more unpopular while his father lived and reigned; nor could any one have been astonished more than that father would have been could he have seen the different eyes with which his son was regarded, when

heir apparent to his throne, and when filling it as his successor. He would then have learnt how much of his own popularity depended upon his station, how little upon his personal fitness for the office. The Regency began: it was the period of our greatest military glory; all our warlike enterprises were crowned with success; the invincible Napoleon was overthrown, and banished as a criminal to a colony made penal for his special reception. Still the Regent gained no popular favour. At length his father, who had long ceased to reign, and, for any purposes of our rational nature, to exist, ceased also to live. The Regent now only changed his name and style; for he had eight years before succeeded to the whole powers of the Crown. They who remember the winter of 1820 must be aware that the same individual who a week before the death of George III. had travelled to and fro on the Brighton and Windsor roads without attracting more notice than any ordinary wayfaring man, was now, merely because his name was changed to King from Regent, greeted by crowds of loyal and curious subjects, anxious to satiate their longing eyes with the sight of a king in name; the reality of the regal office having been before the same eyes for eight years, and passed before them absolutely unnoticed.

In a few months came the Queen, and her trial speedily followed. The unpopularity of the Monarch was now renewed in more than its former generality and virulence. Nor was any prince, in any age or country, ever more universally or more deeply hated than George IV. during the year 1820. The course of the proceeding—his discomfiture in an attempt more tyrannical than any of Henry VIII.'s, and carried on by more base contrivances—his subsequent oppression of his consort in every way—her melancholy end, the victim of his continued persecution—were assuredly ill calculated to lessen the popular indigna-

tion, or to turn well-merited scorn into even sufferance, far less respect. Yet such is the native force of reaction in favour of Royal personages, that he who a few months before durst as soon have walked into the flames as into an assembly of his subjects in any part of the empire, was well received in public wherever he chose to go, and was hailed by his Irish subjects rather as a god than a man, he having notoriously abandoned the principles he once professed in favour of that Irish people and their rights.

The accession of the present Queen was supposed by some to be rather a rude trial of the monarchical principle, inasmuch as a young lady of eighteen, suddenly transplanted from the nursery to the throne, might, how great soever her qualifications, be deemed hardly fit at once to hold the sceptre of such a kingdom in such times. But all apprehensions on the subject must have instantly ceased, when it was observed that there broke out all over the country an ungovernable paroxysm of loyal affection towards the illustrious lady, such as no people ever showed even to monarchs endeared by long and glorious reigns over subjects upon whom their wisdom or their valour had showered down innumerable benefits. The expectation bore the place of reality. The Queen was believed to have every good quality that it was desirable she should possess. There was a physical impossibility of her ever having done anything to earn the gratitude of her subjects, because she had only reigned a day; and yet the most extravagant professions of attachment to her person and zeal for her character burst forth from the whole country, as if she had ruled half a century and had never suffered a day to pass without conferring some benefit upon her people, nor ever fallen into any of the errors incident to human weakness. It is true that the best friends both of the sovereign and of the monarchy viewed this unreflecting loyalty with distrust, and suspected

that a people, thus ready to worship idols made with their own hands, might one day break their handy-work—that they who could be so very grateful for nothing, might hereafter show ingratitude for real favours,—and that, having, without any grounds beyond the creation of their fancy, professed their veneration for an unknown individual, they might afterwards, with just as little reason, show neglect or dislike. But at any rate the feeling of enthusiastic loyalty and devotion to the sovereign, merely because she was a sovereign, could not be doubted, and it could not be exceeded.*

And can it, after all these passages in our recent history, be said that the English people are of a republican tendency—that they care little for the affairs of princes or their smiles — that they are indifferent to, or impatient of, kingly government? Rather let it be asked if there is on the face of the globe any other people to whom the fortunes and the favour of kings and queens are so dear an object of concern. The people of France, under their Grand Monarque, may have made themselves ridiculous by changing the gender of a word permanently, when their prince by mistake called for "mon carrosse;" the Romans may have affected a twisted neck to imitate the personal defect of Augustus; these were rather the base flatteries of courtly parasites than the expression of feelings in which the public at large bore any part. The barbarians of Russia flocking to be murdered by their savage Czar, or the slaves of Eastern tyrants kissing the bowstring that is to end their existence, act under the immediate influence of strong and

* It is hardly necessary to observe that no opinions whatever disrespectful or unkind towards the illustrious persons mentioned in these three paragraphs can be intended to be conveyed. What is said of the Queen's persecutions sufficiently proves this. In regard to the present Sovereign, it may be added that the above passage was written early in February, 1838, and before the harsh and unjust treatment which was soon after shown towards her.

habitual religious feeling—the feeling that makes men quail and bow before a present divinity. But no people, no rational set of men, ever displayed to an admiring world the fondness for kings and queens, the desire to find favour in the royal sight, the entire absorption in loyal contemplations, which has generally distinguished the manly, reflecting, freeborn English nation.

It is commonly said that the Irish far exceed us in yielding to mere impulses; and certainly the scenes at Dublin in 1821 are well calculated to keep alive this impression. But the excess on that memorable occasion was not great over what had been witnessed in this country; and extraordinary pains were undoubtedly taken to make it believed that George IV. was favourably disposed towards his Irish subjects, nay, that he could be talked, and hurraed, and addressed over, as it were, and deluded by fine honeyed phrases and promises of subscription, into abandoning his new opinions, as he had before given up his old. The balance, therefore, between the two nations being struck, it can hardly be said that the sister kingdom materially excels our own country in the zealous affection for mere royalty.

It is very manifest, therefore, that the notion is wholly groundless which represents the cause of Royalty to be more unfavourably regarded in these kingdoms than elsewhere. A broad and a deep foundation exists in all the feelings, tastes, and habits of the people for building up a solid monarchical structure. Principles of policy, opinions upon the relative merits of different systems, are the result of reason and reflection: they may be propagated, may be acquired; they may be strengthened, may be impaired; nay, they may give place to other views taken up after experience and on deliberate consideration; and the formation or the change of such sentiments is never within the power of the rulers or the instructors of the

community. But these sentiments, also, are much less to be relied upon for support in any crisis, and they are far less to be dreaded in any alteration which they may undergo, than the strong feelings born with men, and constituting a part of their very nature—feelings which they have not learned at the school of state affairs, or had inculcated by their instructors, or dictated by their leaders, but which form about as much a portion of their mental constitution, and almost influence it as much, as the blood that fills their veins does the structure and the functions of the body. This invaluable security the monarchical principle has in England, and it must, therefore, be the fault of the monarch, and his family, and his servants, if it should ever prove ineffectual to save the Crown.

But there is no greater danger besetting that Crown than will arise from a disposition to rely too much upon the strong national love of monarchy which has just been feebly pourtrayed. That its strength and elasticity is great, no man can doubt; that it possesses a singularly restorative virtue, a wonderful power of recovering the kingly authority after the rudest shocks which it can sustain, is certain; but it may be stretched till it cracks, and it may be relaxed by too frequent use. A wise and a prudent foresight, too, will teach the sovereign and his servants that the antagonist principle, ever at work, may both conjure up a storm which cannot be weathered, and may gradually undermine, and, as it were, eat into, that habitual devotion to royalty which, if the monarchy have but fair play, seems powerful enough to carry it through all ordinary trials.

LORD ELDON.

DURING the whole of the Regency and the greater part of his reign, George IV.'s councils were directed by Lord Liverpool, but the power which kept his ministry together was in reality the Chancellor, Lord Eldon; nor did it exist for a day when that powerful aid was withdrawn. For, although this eminent person did not greatly excel in debate, although he personally had no followers that could be termed a party, and although he certainly was of little service in deliberation upon state affairs from the turn of his mind, fertile rather in objections than expedients, he yet possessed a consummate power of managing men, an admirable address in smoothing difficulties with princes, of whom he had large experience, and a degree of political boldness where real peril approached, or obstacles seemingly insurmountable were to be got over, that contrasted strongly with his habits of doubting about nothing, and conjuring up shadowy embarrassments, and involving things of little moment in imaginary puzzles, the creation of an inventive and subtle brain.

This remarkable person had been one of Mr. Pitt's followers from early life, had filled under him the office of Attorney-General during the troublous period of the Revolutionary war, and had thus been the principal instrument in those persecutions of his reforming associates which darken the memory of that illustrious minister. But when the Addington ministry was formed, and Lord Loughborough resigned the Great Seal, Lord Eldon, who had for a year presided over the Common Pleas with great ability and acceptance in

Westminster Hall, became Chancellor, and formed one of the main supports of that useful though feeble administration. After first giving peace to the country because the burthen of the war could no longer be borne, and then breaking it because they had not the firmness to remain quiet, or the resolution to resist a popular clamour chiefly excited by the newspapers, those ministers, having once more plunged the country into serious embarrassments, were assaulted by a factious league of Pittites, Foxites, Grenvilles, and Windhams, and only defended by two lawyers, Mr. Perceval in the Commons, Lord Eldon in the Lords. But neither of these useful supporters were thoroughly attached to the colours under which they fought; both had a strong leaning towards the leader of the allies, Mr. Pitt, under whom the Whig friends and partizans of Lord St. Vincent, the great ornament of the cabinet, were combined, from factious motives, to overthrow it upon the ground of attacking that great man's reforming administration; and, although nothing could exceed the zeal or spirit of the battle which both, especially Mr. Perceval, made in defence of the citadel, yet, as neither were averse, especially Lord Eldon, to rejoin their ancient Pitt standard, it is more than suspected that the gates of the garrison were opened by the scheming and politic Chancellor, who on this occasion displayed his unscrupulous and undaunted political courage, by carrying on the communication on state affairs with the monarch, while his faculties were as yet but half restored after their total alienation.

It is best that we pause upon this remarkable passage of both their lives—remarkable for the light it throws upon Lord Eldon's real character; perhaps yet more remarkable for the reflections to which it unavoidably gives rise upon the Monarchical form of government. There is not the least doubt whatever of the extraordinary fact that, after the King had been in a state of complete derangement for some weeks, and after the

government had during those weeks been carried on by the ministers without any monarch, important measures were proposed to him, and his pleasure taken upon them after Mr. Pitt resumed his office, when the Sovereign was so little fit to perform the functions of his high station, that Dr. Willis was obliged to attend in the closet the whole time of his Majesty's interview with his Chancellor. Hence we see that the exigencies of this form of government not only imply the Monarch exercising his discretion upon subjects wholly above the reach of his understanding on many occasions; not only involve the necessity of the most difficult questions being considered and determined by one wholly incapable by nature, or unfitted by education, to comprehend any portion of them; not only expose the destinies of a great people to the risk of being swayed by a person of the meanest capacity, or by an ignorant and inexperienced child; but occasionally lead to the still more revolting absurdity of a sovereign directing the affairs of the realm—conferring with the keeper of his conscience *circa ardua regni*,—while a mad-doctor stands by and has his assistants and the apparatus of his art ready in the adjoining chamber, to keep, by the operation of wholesome fear and needful restraint, the royal patient in order, and prevent the consultations of politic men from being checkered with the paroxysms of insanity.*

But should it be said that this was an accident, or that it was an offence for which Lord Eldon and Mr. Pitt alone were answerable, and not the Constitution, it is to be further observed that the inevitable necessity entailed by that Constitution of the state affairs being conducted in the name and by the authority of a lunatic prince, whose pleasure is, in the eye of the constitutional law, taken at each step, though he is as unconscious of it all the while as the Grand Lama is of Thibet

* The late publication of Lord Eldon's 'Life,' by his family, places this beyond all doubt.

affairs, does not differ materially from the hardly more revolting scene to which we have just adverted as having been enacted in the spring of 1804. These things constitute part, and no small part, of the heavy price which we pay for the benefits of inestimable value secured by the forms of Hereditary Monarchy, more especially the prevention which it affords of disputed succession and civil broils. But it is ever useful and becoming prudent men to bear in mind both sides of the account, and, while we justly prize the thing we have purchased, not to forget the price we have had to pay.

Lord Eldon, to great legal experience, and the most profound professional learning, united that thorough knowledge of men, which lawyers who practise in the courts, and especially the courts of common law,* attain in a measure and with an accuracy hardly conceivable by those out of the profession, who fancy that it is only from intercourse with courts and camps that a knowledge of the world can be derived. He had a sagacity almost unrivalled; a penetration of mind at once quick and sure; a shrewdness so great as to pierce through each feature of his peculiarly intelligent countenance; a subtlety so nimble, that it materially impaired the strength of his other qualities, by lending his ingenuity an edge sometimes too fine for use. Yet this defect, the leading one of his intellectual character, was chiefly confined to his professional exertions; and the counsellor so hesitating in answering an important case—the judge so prone to doubt that he could hardly bring his mind to decide one—was, in all that practically concerned his party or himself, as ready to take a line, and to follow it with determination of purpose, as the least ingenious of ordinary politicians.

The timidity, too, of which he has been accused, and

* For many years he went the Northern Circuit, and was a leader upon it, the unwholesome practice not having then been established which separates Equity men from Common Lawyers.

sometimes justly, was more frequently the result of the subtlety and refinement which we have mentioned. At all events, no one knew better when to cast it off; and upon great occasions, like the one we have just been contemplating—that is, the occasions which put his interest or his power in jeopardy—a less wavering actor, indeed one more ready at a moment's warning to go all lengths for the attainment of his object, never appeared upon the political stage. His fears in this respect very much resembled his conscientious scruples, of which no man spoke more or felt less; he was about as often the slave of them as the Indian is of his deformed little gods, which he now makes much of, and now breaks in pieces, or casts into the fire. When all in politics seemed smooth, and the parliamentary sea was unruffled as the peaceful lake, nothing was to be heard but his Lordship's deep sense of his responsible duties; his willingness to quit the Great Seal; the imminent risk there was of his not again sitting in that place; the uncertainty of all the tenures by which official life is held; and even the arrival of that season when it became him to prepare for a yet more awful change; and the hearer who knew the speaker, felt here an intimate persuasion, that the most religious of mortals could not have named the great debt of nature with more touching sincerity, or employed an expression better calculated to convey the feeling of dread which such contemplations are fitted to inspire. Such were the songs of the swan when the waters were a mirror, and there was no fear of dissolution. But in foul weather—the instant that peril approached—be the black cloud on the very verge of the horizon, and but the size of a man's hand—all these notes were hushed, and a front was assumed as if the Great Seal had been given to him for life, with the power to name his successor by a writing under his hand, or by parole before a single witness. In like manner, when the interests of suitors required despatch, when causes had

been heard by the hour and by the day, and all the efforts of the judge to coax the advocate into greater prolixity had been exhausted, the dreaded moment of decision came, but brought only hesitation, doubt, delay. So, too, when common matters occurred in Parliament, and no kind of importance could be attached to the adoption of one course rather than another,—bless us! what inexhaustible suggestions of difficulty, what endless effusion of conflicting views, what a rich mine of mock diamonds, all glittering and worthless, in the shape of reasons on all sides of some questions never worth the trouble of asking, and which none but this great magician would stop to resolve! So again in the Council—when there was no danger of any kind, and it signified not a straw what was done, the day, had it been lengthened out by the sun being made to stand still, while our Joshua slew all the men in buckram that he conjured up, would yet have been too short to state and to solve his difficulties about nothing! But let there come any real embarrassment, any substantial peril which required a bold and vigorous act to ward it off —let there be but occasion for nerves to work through a crisis which it asked no common boldness to face at all—let there arise some new and strange combination of circumstances, which governed by no precedent, must be met by unprecedented measures,—and no man that ever sat at a council-board more quickly made up his mind, or more gallantly performed his part. Be the act mild or harsh, moderate or violent, sanctioned by the law and constitution, or an open outrage upon both, he was heard indeed to wail and groan much of piteous necessity—often vowed to God —spoke largely of conscience—complained bitterly of his hard lot—but the paramount sense of duty overcame all other feelings; and, with wailing and with tears, beating his breast, and only not tearing his hair, he did in the twinkling of an eye the act which

unexpectedly discomfited his adversaries, and secured his own power for ever. He who would adjourn a private road or estate bill for weeks, unable to make up his mind on one of its clauses, or would take a month to decide on what terms some amendment should be allowed in a suit, could, without one moment's hesitation, resolve to give the King's consent to the making of laws, when he was in such a state of mental disease, that the Keeper of his Person could not be suffered to quit the royal closet for an instant, while his patient was with the Keeper of his Conscience performing the highest function of sovereignty!

With all these apparent discrepancies between Lord Eldon's outward and inward man, nothing could be more incorrect than to represent him as tainted with hypocrisy, in the ordinary sense of the word. He had imbibed from his youth, and in the orthodox bowers which Isis waters, the dogmas of the Tory creed in all their purity and rigour. By these dogmas he abided through his whole life, with a steadfastness, and even to a sacrifice of power, which sets at defiance all attempts to question their perfect sincerity. Such as he was when he left Oxford, such he continued above sixty years after, to the close of his long and prosperous life;—the enemy of all reform, the champion of the throne and the altar; and confounding every abuse that surrounded the one, or grew up within the precincts of the other, with the institutions themselves, alike the determined enemy of all who would either invade the institution or extirpate the abuse.

One of the most important passages of this remarkable person's life was his participation in the councils of the Princess of Wales, while persecuted by the Whig allies of her royal consort. To her confidence, as to her society, Lord Eldon was recommended, not more by the extraordinary fertility of his resources as a counsellor in difficult emergencies, than by his

singular powers of pleasing in the intercourse of private life. For his manners were rendered peculiarly attractive by the charm of constant good humour; and his conversation, if not so classical and refined as that of his brother, Sir William Scott, and somewhat soiled with the rust of professional society and legal habits, was nevertheless lively and entertaining in a very high degree. That she derived great benefit from his support, his countenance, and his skilful advice, no one can doubt. The length to which his zeal is supposed to have carried him, of having a fierce attack on the Prince's conduct towards her printed at a private press, cannot fitly be dwelt upon here, because the whole passage has been confidently denied, and, how universal soever the belief was, confirmed by a copy or two of the work being preserved, so that the whole was afterwards reprinted, and openly sold, the share which Lord Eldon and Mr. Perceval were said to have had in the transaction has never been established by any decisive proofs. This much, however, is quite certain, that they both left their illustrious client at a very short notice, and became as zealous servants of her persecutor as they had once been of herself. The King, whose uneasiness under the necessity in which the death of Mr. Pitt had placed him, of being counselled by a Whig cabinet, was manifest during the whole of the year 1806, had resolved to change his ministers, and to quarrel with them on the highly popular ground of their having made themselves the confederates of the Prince, then in the acme of his unpopularity, and, as such, taken part against the Princess. Fortunately for that party, whose utter ruin this would have consummated, another scent crossed his Majesty while in that pursuit, and he dexterously turned aside to follow it. This was the cry of No Popery, and Danger to the Church. Lord Eldon and his coadjutors were raised to power, and Mr. Perceval quitted his profession to

share in the Government, that he might protect the altar from the Pope, and the Throne from the Whigs. For three or four years all went smoothly, and they continued the advocates of the wife, and the adversaries of the husband. A great change, however, was preparing in the relations of their allegiance. When the Prince became Regent he deserted his friends; he took his adversaries into his service; he soon added his favour, became fond of Lord Eldon's pleasant society, became by degrees tolerant of Mr. Perceval himself, and was affected to hysterical paroxysms when death deprived him of the man he had a few years before hated with a bitterness that spurned all bounds of common decency in the expressions which gave it vent.* The Princess was now entirely deserted by her former councillors, whose party tactics had led them to use her as an instrument for attacking their enemies. Neither Lord Eldon nor Mr. Perceval ever now darkened her doors; Mr. Canning, Lord Granville, and Lord Dudley, alone of the party frequented her society; and this illustrious lady was thus placed in the cruel predicament of losing her former friends, the Tories, by their promotion, while her adversaries, the Whigs, awaiting not very patiently their own call, could hardly be expected to raise any obstructions beyond those already existing in their road to Court, by taking her part only because she was clearly right and had been cruelly wronged.

* In 1806 His Royal Highness exclaimed to Sir Samuel Romilly, with most offensive personal abuse, and a comparison which cannot be recited, that he felt as if he could jump on him and stamp out his life with his feet. Mr. Perceval was at the moment arguing the celebrated case of Miss Seymour at the Bar of the House of Lords; and took the somewhat invidious line of denying that any guarantee given of payment by the Prince's promise could be available—first, because there was no reason to believe he would keep his promise; and next, because, if he did, he was insolvent. The phrase expressive of His Royal Highness's wish, as given above, is in a very mitigated form; but, even as thus tempered, the reader may possibly deem its violation of all humanity and decorum sufficiently striking.

It remains to note the peculiarities that distinguished this eminent person's professional life, in which his long career was so remarkably brilliant. That he had all the natural qualities and all the acquired accomplishments which go to form the greatest legal character, is undeniable. To extraordinary acuteness and quickness of apprehension, he added a degree of patient industry which no labour could weary, a love of investigation which no harshness in the most uninteresting subject could repulse. His ingenuity was nimble in a singular degree, and it was inexhaustible; subtlety was at all times the most distinguishing feature of his understanding; and after all other men's resources had been spent, he would at once discover matters which, though often too refined for use, yet seemed so natural to the ground which his predecessors had laboured and left apparently bare, that no one could deem them exotic and far fetched, or even forced. When, with such powers of apprehending and of inventing, he possessed a memory almost unparalleled, and alike capable of storing up and readily producing both the most general principles and the most minute details, it is needless to add that he became one of the most thoroughly learned lawyers who ever appeared in Westminster Hall, if not the most learned; for, when it is recollected that the science has been more than doubled in bulk, and in variety of subjects has been increased fourfold, since the time of Lord Coke, it is hardly possible to question his superiority to that great light of English jurisprudence, the only man in our legal history with whom this comparison can be instituted. A singular instance of his universality, and of the masterly readiness with which his extensive learning could be brought to bear upon any point, was once presented in the argument upon a writ of error in the House of Lords. The case had run the gauntlets of the courts, and the most skilful

pleaders, as well as the most experienced judges, had all dealt with it in succession; when he, who had not for many years had the possibility of considering any such matters, and had never at any time been a special pleader, at once hit upon a point in pleading which appeared to have escaped the Holyrods, the Richardsons, the Bayleys, the Abbots, the Littledales; and on that point the cause was decided.

From an excess of those endowments in which his extraordinary merits consisted, proceeded also his known and great defects. These were less conspicuous at the Bar than upon the Bench; though, even as an advocate and an adviser, they impaired his powers. His overdone ingenuity enfeebled the force of his argument; he presented every view that could be taken of his case, and many views that it was bootless to take, and that had better have been left unobserved. His opinion was with difficulty formed, or at least stated, and his answers to cases on which he was consulted often contained all the arguments on both sides, but left out the result. His firmness of purpose, too, and promptitude of decision, were extremely deficient. Seeing too many views of each matter to prefer a particular course and abide by his choice, he could as little make up his mind on the line to be taken in debate as on the opinion to be given in consultation. Hence he was defective in one of the great qualities of an advocate and a debater—a prompt and steady determination as to the course he should pursue, that which is called the *coup d'œil* in the field. His wish to leave nothing unnoticed, being proportioned to the extreme anxiety of his disposition, he frequently overlaid his case at the Bar, while the multitude of his points gave his adversaries the opportunity of entangling him in the mazes of his own web, and still oftener enabled them to defeat him on some immaterial ground where he was weak, though other stronger and impregnable positions were his, had he never ven-

tured out of them to fight at a disadvantage. Where a single and a learned judge alone is to deal with a case, this will seldom mislead him, but before a jury its effects must have been extremely prejudicial. Accordingly, his greatest failures were in such proceedings. A case of high treason, which required nine or ten hours to state, was to the ordinary apprehension of all mankind a clear case for acquittal. This in the eyes of many lessened the brilliancy of Mr. Erskine's great victory, by diminishing the chances of a conviction; but the dreadful excitement of the times was enough to have carried the prosecutors through their bad work, even under all the disadvantages of Lord Eldon's very injudicious conduct of the cause. It was, perhaps, a yet greater fault that he suffered himself to be persuaded that a case of high treason existed, when, if he had only examined his proofs with a steady eye, he must have seen at once the merely seditious character of the whole matter, the certainty of a defeat if he prosecuted for treason, and the probability of a conviction had he gone upon the misdemeanor.

His elocution was easy, his language copious without being at all choice, his manner natural and not ungraceful. But to the qualities of eloquence he made small or no pretence. All that he desired to execute he readily enough accomplished; but no man could ever cite a speech of his, either at the Bar or on the Bench, in the Commons or in the Lords, which had made any deep impression, or could be termed either a felicitous or in any way a striking performance. Many of his arguments, replete with learning, and marked by extreme ingenuity, many of his judgments, painfully sifting each corner of the complicated case, dealing in a commanding manner with all the arguments, and exhausting all the learning that could be brought to bear upon it, might be cited with ease as memorable examples of labour, of learning, of subtlety. But not a single occasion ever was presented during

his long forensic and parliamentary life in which any one even of his admirers could affect to be struck with his performance as great or masterly, although perhaps not an instance could be named of his speaking at all without displaying extraordinary resources and powers. There was always so much wanting to perfection as left no idea of it in the mind of the audience, either while he was working through his task, or after he had brought it to a close.

If the qualities which have been mentioned obstructed him as an advocate, they were still more likely to injure him as a judge. Yet it is certain that great errors were committed in regard to his judicial powers by those who only cursorily observed his apparent vacillation or infirmity of purpose. His opinion was really much more readily and generally formed on the Bench than at the Bar; and it was much more steadily abided by. He *appeared* to have great difficulty and slowness in coming to a determination. It would be far more correct to say that he had great reluctance to pronounce the decision he had long ago, without any hesitation, come to. The bad habit into which he fell, of not attending to the arguments while they were delivering before him, made him often postpone the forming of his opinion, but it was because he postponed giving his attention to the case. As soon as he brought his mind to bear upon it, he with great ease and quickness came to a judgment regarding it; and, having a great and most just confidence in the soundness of that judgment, he scarcely ever after altered it in any material respect. Indeed the hesitation with which he pronounced it, the slowness with which he gave it at all, and, when he gave it, the numberless arguments on both sides which he produced, and the endless difficulties which he raised in the way of the course he was manifestly all the while taking, gave him every appearance of hesitation and uncertainty, and made the person who knew him not suppose that he

was a vacillating judge, who had hardly formed any opinion at all upon the case, and might be overset by the casting of dust in the balance to make either side almost indifferently preponderate. They who knew him best were well aware that he had months before thoroughly sifted the whole question, formed a clear and unhesitating opinion upon it, come as quickly as possible to that conclusion, and persisted in it with much greater firmness, nay pertinacity, than the most determined looking of his predecessors, Lord Hardwicke, who decided each case as he heard it, assigning shortly and clearly the grounds of his judgment; or Lord Thurlow, who growled out his determination without a doubt or a reason, and without any delay, as if the decision followed the argument by a physical train of connexion, and as if no such thing as a doubt could ever exist in the judicial nature, and no such thing as a reason could be asked at the hands of judicial wisdom and power. It would be no exaggeration at all to assert that Lord Eldon's judgments were more quickly formed, and more obstinately adhered to, than those of any other judge who ever dealt with such various, difficult, and complicated questions as he had to dispose of.

But the apparent hesitation and the certain delay were of the very worst consequence to his usefulness on the Bench; and his inattention to the arguments of counsel produced on their part an habitual prolixity from which the Bar has not yet recovered. From these causes arose the delays which in his time obstructed the course of justice, and well nigh fixed the current in perennial frost. It would be erroneous to say that all the efforts since made to clear the channels and revive the stream had restored its pristine and natural flow. The suitor and the country will long continue to feel the five-and-twenty years of Lord Eldon's administration.

His knowledge and his ingenuity were not confined

to his own peculiar branch of jurisprudence, the law of England. He was an admirable Scotch lawyer also; and he had the courage to decide, as well as the ability to sift, some of the greatest cases that have ever been brought by appeal from the Courts of Scotland, reversing the judgments of those courts on questions of pure Scotch conveyancing, and reversing them so as to offend those lawyers at first who were afterwards ready to confess that he was right, and that he had preserved the integrity of the Scotch law. But as a judge of appeal in general, he often showed want of nerve; he would carp and cavil at the judgment below—argue over again all the reasonings of the judges—express doubts—raise difficulties—and show constant dissatisfaction—but end with affirming.

The defects which have been noted in his judicial capacity are of course to be traced in the Reports of his judgments. The force of the opinion, and even the course of the argument, are lost in the labyrinth of uncertainty, doubts, and ever conflicting arguments which make up the whole mass. In the sands which spread out far as the eye can reach, which shift perpetually about, which rise in whirls, and are tossed about and heaped up in mountains—the eye loses the view of the point towards which the current of decision is directed, and indeed the current itself is lost in the wide expanse. These learned and elaborate performances are therefore of far less use than they might have been as guides to future lawyers; for the arguments are lost in special circumstances, and the principal points choked among the details. It was said, by Mr. Justice Williams, wittily and correctly, that they would be of special use as soon as the old Ptolemaic cycle should begin a second time to run, and every one thing to happen over again which had occurred before, and in the same order.

The private character of Lord Eldon was blameless: his temper was admirable; his spirits gay and lively;

his manners easy and graceful; far beyond those of any other man who had led his life of labour, and mingled but little in general society. In the domestic relations he was without a fault; affectionately attached to his family, mourning for years the great bereavement of his eldest son, and for years devoting himself to the care of an invalid wife with an assiduity not often exceeded. Indeed, it was to the accidental circumstance of his marriage, contracted clandestinely, and which prevented him from associating much with her family for some time, that they both owed the recluse habits which produced a distaste for society, and led to a very exaggerated notion of his disposition being parsimonious. What little ground there was for the charge resulted, certainly, from the very narrow circumstances of his early life, the consequence of his imprudently marrying before he had an income sufficient to support a family. In those days he had qualified himself for acting as a conveyancer, in case his failure to obtain practice in London should make it advisable to retire into the country, and lead the obscure though respectable life of a provincial barrister. Nor was this event in his history, at one period, improbable or remote. Weary with waiting for clients, he had resolved to quit Westminster Hall, and, turning his back on the "fumum, et opes, strepitumque Romæ," to seek his native city. The accident of a leading counsel's sudden indisposition introduced him to the notice of the profession, and prevented his name from being now only known as designating a still more learned and able recorder of Newcastle than the late very learned and able Mr. Hopper Williamson.*

Reference has already been made to his powers of conversation; the part was named which he took in the select circle of the Princess of Wales, frequented by the most accomplished wits of the day. He was,

* That, far from being himself parsimonious, he expended large sums in acts of kindness, is a matter of absolute certainty.

indeed, a person of remarkable talents in that kind. His perfect good humour would, in his exalted station, have made his society agreeable anywhere but at a court; there he must shine more *proprio Marte* than by the foil of his station in the background. But he was well able to do so. He had no mean powers of wit, and much quickness of delicate repartee. In relating anecdotes he excelled most men, and had an abundant store of them. Though, of course, from the habits of his life, they were chiefly professional, his application of them to passing events was singularly happy. The mingled grace and dignity of his demeanour added no small charm to his whole commerce with society; and, although the two brothers differed exceedingly in this respect, it was usual to observe that, except Sir W. Scott, no man was so agreeable as Lord Eldon.*

* A saying of his may be related in proof of his ready wit. Being charged, and truly, with never entering a church, though always talking as if he was its great supporter, he said he was a buttress which was placed outside.—The publication of Lord Eldon's 'Life' by Mr. Twiss throws much important light on his history. While it raises his private character for kindness and for generosity, it certainly leaves no longer any room to question his having acted as Chancellor in great state affairs while George III. was insane, requiring, as the physician delicately expresses it, the use of "*artificial prudence*," natural prudence being asleep; and it also proves that Lord Eldon carried on a secret intrigue with Mr. Pitt for the removal of Mr. Addington, Lord Eldon's colleague, and indeed chief, undertaking to deliver Mr. Pitt's letters against him to the King, wholly without Mr. Addington's knowledge. This subject is fully discussed in the second number of the Law Review. Mr. Twiss's work is very ably and very impartially written. It gives curious proofs of Lord Eldon's hesitation when he had to give his statements in a definite form; for the anecdotes which, when he related them, were so racy and so pointed, generally lose their merit in his diary or note-books, by being qualified and frittered down, as if when he came to put them in writing his doubting and hesitating habits interfered.

SIR WILLIAM SCOTT

(LORD STOWELL).

FEW names are more intimately connected either with classical or judicial recollections than the one which has just been mentioned.

There has seldom if ever appeared in the profession of the Law any one so peculiarly endowed with all the learning and capacity which can accomplish, as well as all the graces which can embellish, the judicial character, as this eminent person. Confining himself to the comparatively narrow and sequestered walks of the Consistorial tribunals, he had early been withdrawn from the contentions of the Forum, had lost the readiness with which his great natural acuteness must have furnished him, and had never acquired the habits which forensic strife is found to form—the preternatural power of suddenly producing all the mind's resources at the call of the moment, and shifting their application nimbly from point to point, as that exigency varies in its purpose or its direction. But so had he also escaped the hardness, not to say the coarseness, which is inseparable from such rough and constant use of the faculties, and which, while it sharpens their edge and their point, not seldom contaminates the taste, and withdraws the mind from all pure, and generous, and classical intercourse, to matters of a vulgar or a technical order. His judgment was of the highest caste; calm, firm, enlarged, penetrating, profound. His powers of reasoning were in proportion great, and still more refined than exten-

sive, though singularly free from anything like versatility, and liable to be easily disturbed in their application to every-day use. If the retired and almost solitary habits of the comparatively secluded walk in which he moved, had given him little relish for the strenuous and vehement warfare of rapid argumentation and the logic of unprepared debate, his vast superiority was apparent when, as from an eminence, he was called to survey the whole field of dispute, and to marshal the variegated facts, disentangle the intricate mazes, and array the conflicting reasons which were calculated to distract or suspend men's judgment. If ever the praise of being luminous could be justly bestowed upon human compositions, it was upon his judgments, and it was the approbation constantly, and as it were peculiarly, appropriated to those wonderful exhibitions of judicial capacity.

It would be easy, but it would be endless, to enumerate the causes in which his great powers, both of legal investigation, of accurate reasoning, and of lucid statement, were displayed to the admiration not only of the profession, but of the less learned reader of his judgments. They who deal with such causes as occupied the attention of this great judge have one advantage, that the subjects are of a nature connecting them with general principles, and the matter at stake is most frequently of considerable importance, not seldom of the greatest interest. The masses of property of which the Consistorial and Admiralty Courts have to dispose are often very great; the matrimonial rights on which they have to decide are of an interest not to be measured by money at all; but the questions which arise in administering the Law of Nations comprehend within their scope the highest national rights, involve the existence of peace itself, define the duties of neutrality, set limits to the prerogatives of war. Accordingly, the volume which records Sir W. Scott's judgments is not, like the reports of common-law

cases, a book only unsealed to the members of the legal profession; it may well be in the hands of the general student, and form part of any classical library of English eloquence, or even of national history. If among his whole performances it were required to select one which most excited admiration, all eyes would point to the judgment in the celebrated case of *Dalrymple* v. *Dalrymple*, where the question for his determination was the state of the Scottish Law upon the fundamental point of what constitutes a marriage. The evidence given upon this question of fact (as it was before him, a foreign judge) consisted of the depositions of Scottish lawyers, the most eminent of their age, and who differed widely in their opinions, as well as the text-books referred to in their evidence. Through this labyrinth the learned civilian steered his way with an acuteness, a wariness and circumspection, a penetrating sagacity, and a firmness of decision, only to be matched by the singularly felicitous arrangement of the whole mass of matter, and the exquisite diction, at once beautifully elegant and severely chaste, in which his judgment was clothed. It is well known that this great performance, though proceeding from a foreign authority, forms at the present day, and will indeed always form, the manual of Scottish lawyers upon its important subject.

It is possibly hypercritical to remark one inaccurate view which pervades a portion of this judgment. Although the Scottish law was of course only matter of evidence before Sir W. Scott, and as such for the most part dealt with by him, he yet allowed himself to examine the writings of commentators, and to deal with them as if he were a Scottish lawyer. Now, strictly speaking, he could not look at those text-writers, nor even at the decisions of judges, except only so far as they had been referred to by the witnesses, the skilful persons, the Scottish lawyers, whose testimony alone he was entitled to consider.

For *they* alone could deal with either dicta of text-writers or decisions of courts. *He* had no means of approaching such things, nor could avoid falling into errors when he endeavoured to understand their meaning, and still more when he attempted to weigh them and to compare them together. This at least is the strict view of the matter; and in many cases the fact would bear it out. Thus we constantly see gross errors committed by Scottish and French lawyers of eminence, when they think they can apply an English authority. But in the case to which we are referring, the learned judge certainly dealt as happily, and as safely, and as successfully, with the authorities as with the conflicting testimonies which it was his more proper province to sift and to compare. In all respects, then, the renown of this famous judgment is of the highest order, and has left every rival case of the same class far behind it.*

Sir William Scott's learning, extensive and profound in all professional matters, was by no means confined within that range. He was amply and accurately endowed with a knowledge of all history of all times; richly provided with the literary and the personal portion of historical lore; largely furnished with stores of the more curious and recondite knowledge which judicious students of antiquity, and judicious students only, are found to amass; and he possessed a rare facility of introducing such matters felicitously for the illustration of an argument or a topic, whether in debate or in more familiar conversation. But he was above the pedantry which disdains the gratification of a more ordinary and every-day curiosity. No one had more knowledge of the common affairs of life; and it was at all times a current observation, that the person who first saw any sight exhibited in London, be it

* It is astonishing to find one portion of this great judgment set at nought by such very inferior men as the present Common-Law Judges in a late case.

production of nature or of art or of artifice (for he would condescend to see even the juggler play his tricks), was Sir William Scott—who could always steal for such relaxations an hour from settling the gravest questions that could be raised on the Rights of Nations or the Ecclesiastical Law of the land. Above all, he was a person of great classical attainments, which he had pursued and, indeed, improved from the earlier years of his life, when he was a college tutor of distinguished reputation; and hence, as well as from the natural refinement and fastidiousness of his mind, he derived the pure taste which presided over all his efforts, chastening his judicial compositions and adorning his exquisite conversation. Of diction, indeed, he was among the greatest masters, in all but its highest department of energetic declamation and fervent imagery. "Quid multa? Istum audiens equidem sic judicare soleo, quidquid aut addideris, aut mutaveris, aut detraxeris, vitiosius et deterius futurum."*

To give samples of his happy command of language would be an easy thing, but it would almost be to cite the bulk of his Judgments. "Having thus furnished the rule which must govern our decision," said he, in the famous case already referred to, of *Dalrymple* v. *Dalrymple*, "the English law retires, and makes way for the Scottish, whose principles must finally dispose of the question." Quoting the words of Puffendorff (and, it may be observed in passing, misquoting them for the purpose of his argument, and omitting the part which answered it), Puffendorff, who, after stating an opinion subtilely and sophistically held by some, adds, "Tu noli sic sapere," Sir William Scott at once gave it thus, in the happiest, the most literal, and yet the most idiomatic English—"Be not you wise in such conceits as these."

* Cic. de Orat. lib. iii.

To illustrate by examples his singularly refined and pungent wit in conversation, or the happy and unexpected quotations with which he embellished it, or the tersely told anecdotes with which he enlivened it, without for an instant fatiguing his audience, would be far less easy,—because it is of the nature of the refined essence in which the spirit of the best society consists, not to keep. When some sudden and somewhat violent changes of opinion were imputed to a learned Judge, who was always jocosely termed Mrs. ——, "Varium et mutabile semper Femina," was Sir William Scott's remark. A celebrated physician having said, somewhat more flippantly than beseemed the gravity of his cloth, "Oh, you know, Sir William, after forty a man is always either a fool or a physician!" "Mayn't he be both, Doctor?" was the arch rejoinder, —with a most arch leer and an insinuating voice half drawled out. "A vicar was once" (said his Lordship, presiding at the dinner of the Admiralty Sessions) "so wearied out with his parish clerk confining himself to the 100th Psalm, that he remonstrated, and insisted upon a variety, which the man promised; but, old habit proving too strong for him, the old words were as usual given out next Sunday, 'All people that on earth do dwell.' Upon this the vicar's temper could hold out no longer, and, jutting his head over the desk, he cried, 'Damn all people that on earth do dwell!'—a very compendious form of anathema!" added the learned chief of the Spiritual Court.

This eminent personage was in his opinions extremely narrow and confined; never seeming to have advanced beyond "the times before the flood" of light which the American War and the French Revolution had let in upon the world—times when he was a tutor in Oxford, and hoped to live and die in the unbroken quiet of her bowers, enjoying their shade variegated with no glare of importunate illumination. Of every change he was the enemy; of all improvement,

careless and even distrustful; of the least deviation from the most beaten track, suspicious; of the remotest risks, an acute prognosticator, as by some natural instinct; of the slightest actual danger, a terror-stricken spectator. As he could imagine nothing better than the existing state of any given thing, he could see only peril and hazard in the search for any thing new; and with him it was quite enough, to characterize a measure as "a mere novelty," to deter him at once from entertaining it—a phrase of which Mr. Speaker Abbott, with some humour once took advantage to say, when asked by his friend what that mass of papers might be, pointing to the huge bundle of the Acts of a single session,—"Mere novelties, Sir William—mere novelties." And, in truth, all the while that this class of politicians are declaiming and are alarming mankind against every attempt to improve our laws, made judiciously and safely, because upon principle, and systematically, and with circumspection, they are unhesitatingly passing in the gross, and without any reflection at all, the most startling acts for widely affecting the laws, the institutions, and the interests of the country. It is deeply to be lamented that one endowed with such rare qualifications for working in the amendment of the Consistorial Law should have grown old in the fetters of a school like this. His peculiar habits of reasoning—his vast and various knowledge—his uniting with the habits of a judge, and the authority due to so distinguished a member of the Clerical Courts, all the erudition and polish of a finished scholar, and all the knowledge of the world and habits of society which are least to be expected in such dignitaries—finally, his equal knowledge of both the English and Scottish systems—seemed to point him out as the very person at whose hands this great branch of the jurisprudence of both nations might naturally have expected to receive its most important amendments.

DR. LAURENCE.

CONTEMPORARY with Sir William Scott, the leading practitioner in his courts, united to him in habits of private friendship, though differing from him in many of his opinions and almost all his habits of thinking, was Dr. Laurence, one of the most able, most learned, and most upright men that ever adorned their common profession, or bore a part in the political controversies of their country. He was, indeed, one of the most singularly endowed men, in some respects, that ever appeared in public life. He united in himself the indefatigable labour of a Dutch Commentator, with the alternate playfulness and sharpness of a Parisian Wit. His general information was boundless; his powers of mastering any given subject were not to be resisted by any degree of dryness in its nature or complication in its details; and his fancy was lively enough to shed light upon the darkest, and to strew flowers round the most barren tracks of inquiry, had it been suffered to play easily and vent itself freely. But, unfortunately, he had only the conception of the Wit, with the execution of the Commentator; it was not Scarron or Voltaire speaking in society, or Mirabeau in public, from the stores of Erasmus or of Bayle; but it was Hemsterhuysius emerging into polished life, with the dust of many libraries upon him, to make the circle gay; it was Grævius entering the senate with somewhere from one-half to two-thirds of his next folio at his fingers' ends, to awaken the flagging attention, and strike animation into the lazy debate. He might have spoken with the wit of Voltaire and the humour of

Scarron united; none of it could pierce through the lumber of his solid matter; and any spark that by chance found its way, was stifled by the still more uncouth manner.

As an author, he had no such defects; his profuse stores of knowledge—his business-like habit of applying them to the point—his taste, generally speaking, correct, because originally formed on the models of antiquity, and only relaxed by his admiration of Mr. Burke's less severe beauties; all gave him a facility of writing, both copiously and nervously, upon serious objects; while his wit could display itself upon lighter ones unencumbered by pedantry, and unobstructed by the very worst delivery ever witnessed, a delivery calculated to alienate the mind of the hearer, to beguile him of his attention but by stealing it away from the speaker, and almost to prevent him from comprehending what was so uncouthly spoken. It was in reference to this unvarying effect of Dr. Laurence's delivery, that Mr. Fox once said, a man should attend, if possible, to a speech of his, and then speak it over again himself: it must, he conceived, succeed infallibly, for it was sure to be admirable in itself, and as certain of being new to the audience. But in this saying there was considerably more wit than truth. The Doctor's speech was sure to contain materials not for one, but for half a dozen speeches; and a person might with great advantage listen to it, in order to use those materials, in part, afterwards, as indeed many did, both in Parliament and at the Bar where he practised, make an effort to attend to him, how difficult soever, in order to hear all that could be said upon every part of the question.* But whoever did so, was sure to hear a vast deal that was useless, and could serve no purpose but to perplex and fatigue; and he was equally sure to hear the immaterial points treated with as much vehemence, and as minutely

* The experiment mentioned by Mr. Fox has repeatedly been tried at the Bar by the writer of these pages to a certain extent and with success.

dwelt upon, as the great and commanding branches of the subject. In short, the Commentator was here again displayed, who never can perceive the different value of different matters; who gives no relief to his work, and exhausts all the stores of his learning, and spends the whole power of his ingenuity, as eagerly in dethroning one particle which has usurped another's place, as in overthrowing the interpolated verse in St. John, or the spurious chapter in Josephus, upon which may repose the foundations of a religion, or the articles of its creed.

It is hardly necessary to add, that they who saw Dr. Laurence only in debate, saw him to the greatest disadvantage, and had no means of forming anything like a fair estimate of his merits. In the lighter intercourse of society, too, unless in conversation wholly unrestrained by the desire of distinction, he appeared to little advantage; his mirth, though perfectly inoffensive and goodnatured, was elaborate; his wit or drollery wanted concentration and polish; it was unwieldy and clumsy; it was the gamboling of the elephant, in which, if strength was seen, weight was felt still more; nor was it Milton's elephant, recreating our first parents, and who, "to make them play, would wreathe his lithe proboscis;"—but the elephant capered bodily, and in a lumbering fashion, after the manner of his tribe. Yet set the same man down to write, and whose compositions are marked by more perfect propriety, more conciseness, more point, more rapidity? His wit sparkles and illuminates, without more effort than is requisite for throwing it off. It is varied, too, and in each kind is excellent. It is a learned wit, very frequently, and then wears an elaborate air; but not stiff or pedantic, not forced or strained, unless we deem Swift's wit, when it assumes this garb, unnatural or heavy — a sentence which would condemn some of his most famous pieces, and sweep away almost all Arbuthnot's together.

In his profession, Dr. Laurence filled the highest place. Practising in courts where a single judge decides, and where the whole matter of each cause is thoroughly sifted and prepared for discussion out of Court, he experienced no ill effect from the tedious style and unattractive manner which a jury could not have borne, and felt not the want of that presence of mind, and readiness of execution, which enable a *Nisi Prius* advocate to decide and to act at the moment, according to circumstances suddenly arising and impossible to foresee. He had all the qualities which his branch of the forensic art requires; profound learning, various and accurate information upon ordinary affairs as well as the contents of books, and a love of labour not to be satiated by any prolixity and minuteness of detail into which the most complicated cause could run—a memory which let nothing escape that it had once grasped, whether large in size or imperceptibly small—an abundant subtlety in the invention of topics to meet an adversary's arguments, and a penetration that never left one point of his own case unexplored. These qualities might very possibly have been modified and blended with the greater terseness and dexterity of the common lawyer, had his lot been cast in Westminster Hall; but in the precincts of St. Paul's they were more than sufficient to place him at the head of his brethren, and to obtain for him the largest share of practice which any Civilian of the time could enjoy without office.

The same fulness of information and facility of invention, which were so invaluable to his clients, proved most important resources to his political associates, during the twenty years and more that he sat in Parliament; and they were almost equally useful to the great party he was connected with, for many years before that period. It was a common remark that nothing could equal the richness of his stores, except the liberality with which he made them accessible to

all. Little as he for some time before his death had taken part in debates, and scantily as he had been attended to when he did, his loss might be plainly perceived, for a long time, in the want generally felt of that kind of information which had flowed so copiously through all the channels of private intercourse, and been obtained so easily, that its importance was not felt until its sources were closed for ever. It was then that men inquired "Where Laurence was?" as often as a difficulty arose which called for more than common ingenuity to meet it; or a subject presented itself so large and shapeless, and dry and thorny, that few men's fortitude could face, and no one's patience could grapple with it; or an emergency occurred, demanding, on the sudden, access to stores of learning, the collection of many long years, but arranged so as to be made available to the most ignorant at the shortest notice. Men lamented the great loss they had experienced, and their regrets were mingled with wonder when they reflected that the same blow had deprived them of qualities the most rarely found in company with such acquirements; for, unwilling as the jealousy of human vanity is to admit various excellence in a single individual, (*mos hominum ut nolint eundum pluribus excellere,*) it was in vain to deny that the same person, who exceeded all others in powers of hard working upon the dullest subjects, and who had by his life of labour become as a Dictionary to his friends, had also produced a larger share than any one contributor to the epigrams, the burlesques, the grave ironies, and broad jokes, whether in verse or in prose, of the Rolliad.*

The highest of the praises which Dr. Laurence had a right to challenge, remains. He was a man of scrupulous integrity and unsullied honour; faithful in all

* I have a marked copy of this celebrated work, in which it is truly astonishing to find how large a portion both of the prose and verse belongs to Dr. Laurence.

trusts; disinterested to a weakness. Constant, but rather let it be said, ardent and enthusiastic in his friendships; abandoning his whole faculties, with a self-dereliction that knew no bounds, either to the cause of his friend, or his party, or the commonweal—he commanded the unceasing respect of all with whom he came in contact, or even in conflict; for when most offended with his zeal, they were forced to admit that what bore the semblance of intolerance was the fruit of an honest anxiety for a friend or a principle, and never was pointed towards himself. To the praise of correct judgment he was not so well entitled. His naturally warm temperament, and his habit of entering into whatever he took up with his whole faculties, as well as all his feelings, kindled in him the two great passions which chequered the latter part of Mr. Burke's life. He spent some years upon Mr. Hastings's Impeachment (having acted as counsel to the managers), and some upon the French Revolution, so absorbed in those subjects that their impression could not be worn out; and he ever after appeared to see one or other of them, and not unfrequently both together, on whatever ground he might cast his eyes. This almost morbid affection he shared with his protector and friend, of whom we have already spoken at great but not unnecessary length.*

* The outward aspect of this excellent and eminent man was unwieldy, and almost grotesque. His mouth especially excited observation; and being fancied to resemble a shark's, the House of Commons jest ran that Alderman Brook Watson, who had lost his leg by that animal's bite, avoided the side where the Doctor sat or lay.

SIR PHILIP FRANCIS.

No man after Dr. Laurence was more intimately mixed up with the great leader of the Impeachment which has just been mentioned, than Mr., afterwards Sir Philip Francis. He had early in life been taken from the War Office, where he was a clerk, and sent out to India as one of the Supreme Council, when the government of those vast settlements was new modelled —a promotion not easily understood, whether the dignity of the station, or its important functions at that critical period, be regarded. In the exercise of its duties he had displayed much of the ability which he undoubtedly possessed, more, perhaps, of the impetuous temper which as unquestionably belonged to him, all the hatred of other men's oppressions, and the aversion to corrupt practices, which distinguished him through life; and he had, in consequence of these qualities, become the regular opponent, and the personal enemy, of Warren Hastings, then governor-general, with whom his altercation ended, on one occasion, in a hostile renconter and in a severe wound that threatened his life. Upon his return to Europe with a much smaller fortune than the lax morality of Englishmen's habits in those days allowed the bulk of them to amass, his joining in the Impeachment was quite a matter of course. His local knowledge and his habits of business were of invaluable service to the managers; he exerted his whole energies in a cause so near his heart from every principle and from all personal feelings; nor could he ever be taught to understand why the circumstance of his being the private enemy of the

man, as well as the public adversary of the governor, should be deemed an obstacle to his taking this part. The motives of delicacy, which so many thought that he ought to have felt on this subject, were wholly beyond his conception; for he argued that the more he disliked Mr. Hastings, the wider his grounds of quarrel with him were, the more natural was it that he should be his assailant; and the reason for the House of Commons excluding him by their vote from a place among the managers, surpassed his powers of comprehension. Had the question been of making him a judge in the cause, or of appointing him to assist in the defence, he could well have understood how he should be deemed disqualified; but that a prosecutor should be thought the less fit for the office when he was the more likely strenuously to discharge its duties of bringing the accused to justice and exacting punishment for his offences, because he hated him on private as well as public grounds, was a thing to him inconceivable. It never once occurred to him that an Impeachment by the Commons is like the proceeding of an Inquest; that the managers represent the grand-jury acting for the nation, and actuated only by the love of strict justice; and that to choose for their organ one who was also known to be actuated by individual passions, would have been as indecorous as for the prosecutor in a common indictment to sit upon the grand-jury, and accompany the foreman in presenting his bill to the court.

The trait which has just been given paints the character of Sir Philip Francis's mind as well as any that could be selected. It was full of fire, possessed great quickness, was even, within somewhat narrow limits, endued with considerable force, but was wholly wanting in delicacy, as well as unequal to taking enlarged views, and unfit for sober reflection. But his energy begot a great power of application, and he was accordingly indefatigable in labour for a given object of no

very wide range, and to be reached within a moderate time; for anything placed at a distance his impatient nature disqualified him from being a competitor. His education had been carefully conducted by his father, the translator of Demosthenes and Horace, two works of very unequal merit as regards the English language, though abundantly showing a familiarity with both the Latin and the Greek. The acquaintance with classical compositions which the son thus obtained was extensive, and he added to it a still greater familiarity with the English classics. His taste was thus formed on the best models of all ages, and it was pure to rigorous severity. His own style of writing was admirable, excelling in clearness, abounding in happy idiomatic terms, not overloaded with either words or figures, but not rejecting either beautiful phrases or appropriate ornament. It was somewhat sententious and even abrupt, like his manner; it did not flow very smoothly, much less roll impetuously; but in force and effect it was by no means wanting, and though somewhat more antithetical, and thus wearing an appearance of more labour than strict taste might justify, it had the essential quality of being so pellucid as to leave no cloud whatever over the meaning, and seemed so impregnated with the writer's mind as to wear the appearance of being perfectly natural, notwithstanding the artificial texture of the composition. In diction it was exceedingly pure; nor could the writer suffer, though in conversation, any of the modish phrases or even pronunciations which the ignorance or the carelessness of society is perpetually contributing, with the usages of Parliament, to vitiate our Saxon dialect. The great offender of all in this kind, the newspaper press, and perhaps most of any those literary contributors to it who, enamoured of their own sentimental effusions and patchwork style, assume the licence of using words in senses never before thought of, were to him the object of unmeasured reprobation; and he

would fling from him such effusions, with an exclamation that he verily believed he should outlive his mother tongue as well as all memory of plain old English sense, unless those writers succeeded in killing him before his time. His critical severity, even as to the language and tone of conversation, was carried to what sometimes appeared an excess. Thus he was wont to say that he had nearly survived the good manly words of assent and denial, the *yes* and *no* of our ancestors, and could now hear nothing but "unquestionably," "certainly," "undeniably," or "by no means," and "I rather think not;" forms of speech to which he gave the most odious and contemptuous names, as effeminate and emasculated, and would turn into ridicule by caricaturing the pronunciation of the words. Thus he would drawl out "unquestionably" in a faint, childish tone, and then say, "Gracious God! does he mean *yes?* Then why not say so at once like a man?" As for the slip-slop of some fluent talkers in society, who exclaim that they are "*so* delighted," or "*so* shocked," and speak of things being pleasing or hateful "to a degree," he would bear down upon them without mercy, and roar out, "To *what* degree? Your word means any thing, and every thing, and nothing."

There needs no addition to this for the purpose of remarking how easily he was tired by prosers (those whom it is the mode to call *bores*), come they even under coronets and crowns. Once when the Prince of Wales was graciously pleased to pursue at great length a narrative of little importance, Sir P. Francis, wearied out, threw back his head on his chair with a "Well, Sir, well?" The sensitiveness of royalty at once was roused, and the historian proceeded to inflict punishment upon the uncourtly offender by repeating and lengthening his recital, after a connecting sentence, "If Sir Philip will permit me to proceed." A less exalted performer in the same

kind having on another occasion got him into a corner, and innocently mistaking his agitations and gestures for extreme interest in the narrative which he was administering to his patient, was somewhat confounded when the latter, seizing him by the collar, exclaimed with an oath, that "Human nature could endure no more."—In all this there was a consistency and a uniformity that was extremely racy and amusing. He is not now present to cry out, "What does that mean, Sir? What would you be at? No gibberish!" and therefore it may be observed that there was something exceedingly *piquant* in this character.*

He was in very deed "a character" as it is called. By this is meant, a mind cast in a peculiar mould, and unwilling either to be remodelled and recast, or to be ground down in the mill of fashion, and have its angles and its roughnesses taken off so as to become one of the round and smooth and similar personages of the day, and indeed of all times and almost all nations. Such characters are further remarkable for ever bearing their peculiarities about with them, so as at all seasons and on all subjects to display their deviations from or unlikeness to other men. Such persons are of necessity extremely amusing; they are rare, and they are odd; they are also ever in keeping and consistency with themselves as they are different from others. Hence they acquire, beside entertaining us, a kind of claim to respect, because they are independent and self-possessed. But they are almost always more respected than they at all deserve. Not only are many of their peculiarities the result of indulgence approaching to affectation, so as to make them little more than a respectable kind of buffoons, enjoying the mirth excited at their own expense; but even that substratum of real originality which they have without any affectation, commands far more

* "Le rejouissant caractère de ce docteur"—says Le Sage.

respect than it is entitled to, because it wears the semblance of much more independence than belongs to it; and while it savours of originality is really only peculiar and strange. Sir Philip Francis had many much higher qualities; but his singularities were probably what chiefly recommended him in society.

The first Lord Holland had been Dr. Francis's patron, and to him his 'Demosthenes' was dedicated. Through him, too, the son obtained his first promotion, a place in the Foreign Office, which afterwards led to one in the War Department. Nor did he ever through life forget this early patronage—neither the present* nor the former Lord, neither his own friend nor his father's friend did he ever forget. On his return from India, which he quitted with a character of unsullied purity far more rare in those days than in our own, he thus became naturally connected with the Whig party, flourishing under the illustrious son of his own and his father's patron. On all Indian questions he was of the greatest use and of the highest authority. But his exertions were not confined to these. His general opinions were liberal and enlightened; he was the enemy of all corruption, all abuse, all oppression. His aid was never wanting to redress grievances or to oppose arbitrary proceedings. When examined as a witness on the High Treason Trials in 1794, Mr. Horne Tooke, being for no conceivable reason dissatisfied with his evidence, used in private and behind his back to represent him as having flinched from bearing testimony to the character of his brother Reformers. The drama of examination which he was wont to rehearse was a pure fiction, and indeed not only never was performed, but, by the rules of procedure, could not have been represented; for it made the party producing Sir P. Francis as a witness subject him to a rigorous cross-examination.

* This was written in the late Lord's lifetime.

To go out as Governor-General of India was always the great ambition of his life; and when, on Mr Pitt's death, the Whig party came into office, he believed the prize to be within his grasp. But the new ministers could no more have obtained the East India Company's consent, than they could have transported the Himalaya mountains to Leadenhall Street. This he never could be made to perceive; he ever after this bitter disappointment regarded Mr. Fox as having abandoned him; and always gave vent to his vexation in terms of the most indecent and almost insane invective against that amiable and admirable man. Nay more—as if the same grievance which alienated his reason, had also undermined his integrity—that political virtue which had stood so many rude assaults both in Asia and in Europe, had been found proof against so many seductions of lucre, so many blandishments of rank, and had stood unshaken against all the power both of Oriental satraps and of English dictators, is known to have yielded for a moment to the vain hope of obtaining his favourite object through the influence of the man whom, next to Mr. Pitt, he had most indefatigably and most personally opposed. A proposition made to Lord Wellesley by him, through a common friend, with the view of obtaining his influence with Lord Grenville, supposed erroneously to be the cause of his rejection as Governor-General, was at once and peremptorily rejected by that noble person, at a moment when Sir P. Francis was in the adjoining room, ready to conclude the projected treaty. If this casts some shade over the otherwise honest and consistent course of his political life, it must be remembered that for the very reason of its being a single and a passing shade, the effect on his general estimation is exceedingly slight.

In parliamentary debates Sir P. Francis did not often take a part. The few speeches which he did make were confined to great occasions, unless where

Indian subjects came under discussion, and they were distinguished by the same purity of style and epigrammatic tone which marks his writings. It was chiefly as concerned in the party manifestoes and other publications of the Whigs, that he was a considerable member of their body. In council, except for boldness and spirit, in which he was ever exuberant, there could be but little benefit derived from one so much the slave of personal antipathy and prejudice, so often the sport of caprice, so little gifted with calm, deliberative judgment. But he saw clearly; he felt strongly; he was above mean, paltry, narrow views; and he heartily scorned a low, tricking, timid policy. The Opposition never were so free from tendencies in that bad direction as not to benefit by the manly and worthy correction which he was always ready to administer; and if they had oftener listened to his counsels, or dreaded his resentment, the habit of making war upon the Crown without conciliating the people, of leading on the country to the attack with one eye turned wistfully towards the Court, would never have become so confirmed, or worked such mischief as it has of late years done under the leadership of the aristocratic Whigs.

One peculiarity of Sir P. Francis's character has not been mentioned, and yet were it left out, the sketch would both imperfectly represent his failings, and omit a great enhancement of his merits. His nature was exceedingly penurious, and, like all men of this cast, he stooped to the smallest savings. His little schemes of economy were the subject of amusing observation to his friends; nor did they take much pains to keep from his knowledge an entertainment in which he could not very heartily partake. But if he stooped to petty savings, he never stooped one hair's breadth to undue gains; and he was as sparing of the people's money as of his own. If avarice means a desire of amassing at the expense either of other men's stores or

of a man's own honour, to avarice he was a stranger; and it justly raised him in all reflecting men's esteem, to consider that he who would take a world of pains to save half a sheet of paper, had been an Indian satrap in the most corrupt times, and retired from the barbaric land washed by Ormus and Ind, the land of pearls and gold, with hands so clean and a fortune so moderate, that, in the fiercest storms of faction, no man ever for an instant dreamt of questioning the absolute purity of his administration.

It remains to mention the belief which has of late years sprung up, that Sir Philip Francis lay concealed under the shade of a great name, once the terror of kings and their ministers—the celebrated Junius. Nor can these remarks be closed without adverting shortly and summarily to the circumstantial evidence upon which this suspicion rests.

There is a singularly perfect coincidence between the dates of the letters and Sir P. Francis's changes of residence. The last letter in 1772, is dated May 12, and was received some days before by Woodfall. Another letter mentions his having been out of town some time before; there had been an interval in the correspondence of some weeks; his father was then ill at Bath; and on the 23rd of March, he was dismissed from the War Office. That he went to Bath then, before going abroad, is very likely; that he remained on the Continent till the end of the year is certain; and no letter of Junius appeared till January, 1773. His appointment to Bengal was soon after in agitation, for it must have been arranged before June, when it was finally made.

Again—he was in the War Office from 1763 to 1772, and Junius evinces on all occasions a peculiar acquaintance with, and interest in, the concerns of that department. Three clerks of much importance there, of no kind of note beyond the precincts of the Horse Guards, are spoken of with great interest and much

bitterness occasionally. One of them is the object of unceasing personal attack, one whose very name had now perished but for this controversy—a Mr. Chamier; and he is abused under all the appellatives of contempt by which familiars in the department might be supposed to have known him. Moreover, no less than four letters on this person's promotion are addressed to Lord Barrington, the Secretary at War, and these all under other signatures; obviously because such a fire on such a subject would have directed the attention of its objects to the War Office, in connexion with so important a name as Junius, whom we find expressing great anxiety to Woodfall that the circumstance of these War Office letters being written by the author of Junius's Letters should be kept carefully concealed. Nevertheless, this may have transpired, and enabled Lord Barrington to trace the authorship into the office. The fact is certain, that, after January, 1773, Junius wrote no more, and that Mr. Francis, the clerk lately dismissed, was sent out a member of Council to Calcutta.

But the War Office is not the only department in which Junius showed a peculiar interest. The Foreign Office also appears to have shared his regard, and been familiar to him, from various passages both in his public and private correspondence with Woodfall. Now, before he was placed at the Horse Guards, Sir Philip Francis had been nearly four years a clerk in that department.

It is remarkable that Junius generally shows great regard, and at all times much forbearance, towards the family of Lord Holland, even when most devoted to Lord Chatham, their powerful adversary. This tallies with the relation in which Sir P. Francis stood to Lord Holland. His father had been his domestic chaplain, and the son owed to him his first appointment. Junius seems also by numberless proofs to have had a singular personal kindness for, and confidence in, Woodfall,

and none at all for the other publishers, through whom, under various signatures, he addressed the country. Now, Sir P. Francis was a schoolfellow of Woodfall, and they were on friendly terms through life, though they seldom met. Junius seems to have been apprehensive that Woodfall suspected who he was; for, in one of his private notes, he entreats him "to say candidly, whether he knew or suspected who he was."

It is known that Junius attended in the gallery of the House of Commons, and he has occasionally quoted the debates from his own notes or recollections. Sir P. Francis did the same; he communicated his notes to Almon, for his Life of Lord Chatham; and there is a remarkable coincidence with Junius in some passages given by both, necessarily unknown to each other, and unaccountable unless they were one and the same person.

All these and other matters of external evidence of a similar description, make out a case of circumstantial proof, sufficiently striking, and strong enough to render the identity highly probable. Is the internal evidence equally strong? It is the singularity of this question, that, whereas in almost all other cases the proof rests chiefly, if not wholly, on comparison of styles, and there is little or no external evidence either way, here, in proportion as the latter is abundant, the former is scanty. No doubt peculiar turns of expression are everywhere to be found the same in both; and even where the phrase is of a somewhat extraordinary kind; as "*of* his side," "so far *forth*," "I *mean* the publick cause" (for I would promote). There is also much of Sir P. Francis's very peculiar manner and hasty abrupt temper in the private communications with Woodfall, with many phrases common to those communications and Sir Philip's known writings and conversation. But here, perhaps, the similarity may be said to end. For there cannot be produced any considerable piece of composition known to have proceeded from Sir P.

Francis's pen which is of the same kind with the Letters of Junius; although passages of great excellence, full of point, instinct with severity, marked by an implacable spirit, and glowing with fierce animation, have been selected for the just admiration of critics; such as his invective against Lord Thurlow, his attack upon the legal profession in the debate on the continuation of impeachment after a dissolution, and his defence of himself against Lord Kenyon's remarks. That these and others of his writings (for though these were spoken, they bear all the marks of preparation, and were couched in a written style) were of lesser merit than the Letters in point of composition no person of correct taste can affirm. But they were not written in the peculiar style of Junius, and could not be mistaken for the productions of the same much overrated pen.

It remains, while the question thus hangs in suspense, to mention the evidence of hand-writing. The comparison of Sir P. Francis's ordinary hand, which was a remarkably fine one, with the studiously feigned hand of Junius's Letters, and of all his private correspondence, seemed to present many points of resemblance. But a remarkable writing of Sir P. Francis was recovered by the late Mr. Daniel Giles, to whose sister he had many years before sent a copy of verses with a letter written in a feigned hand. Upon comparing this fiction with the fac-similes published by Woodfall of Junius's hand, the two were found to tally accurately enough. The authorship is certainly not proved by this resemblance, even if it were admitted to prove that Sir P. Francis had been employed to copy the letters. But the importance of the fact as a circumstance in the chain of evidence is undeniable.

To this may be added the interest which he always took in the work. Upon his decease, the vellum-bound and gilt copies, which formed the only remuneration

Junius would receive from the publisher, were sought for in vain among his books. But it is said that the present which he made his second wife on their marriage was a finely bound copy of Junius.

The cause of his carefully concealing his authorship, if indeed he was the author, will naturally be asked. No one can tell very confidently, but many reasons may be supposed; and it is quite certain that he himself ever regarded the supposition as a great impeachment of his character. Had he been on habits of intimacy with the objects of Junius's attacks, at the time of those attacks? Had he ever been under personal obligations to them? A promise of secrecy, given when he was appointed to India, would only account for his concealing the fact, not for his indignation in denying it. That he was silenced by that appointment is another reason why he might not be ready to confess the truth. Add to all this, that they who knew him were aware how greatly superior he deemed many of his own writings to the much better known and more admired letters of his supposed representative.

There were those who, refining upon things, drew an argument in favour of his authorship from the manner of his denial. These reasoners contended that he never plainly and distinctly denied it. But this only arose from his feeling it to be an imputation, and therefore that he was bound to do a great deal more than disclaim—that it behoved him at least to repel with warmth. That his answer to all such questions implied and contained an unequivocal denial cannot be doubted. To one he said, "I have pleaded not guilty, and if any one after that chooses to call me a scoundrel, he is welcome." To another, who said, "I'd fain put a question to you," he exclaimed, "You had better not; you may get an answer you won't like." To a third, "Oh, they know I'm an old man, and can't fight."

It is equally true that these answers are not incon-

sistent with the supposition of his having had a knowledge of the secret, and even been engaged in the copying of the letters, without being their author; and it must be added that the same supposition tallies also with the greater part, if not the whole, of the circumstances above detailed. In this belief it is upon the whole, perhaps, both most reasonable and most charitable to rest. If he felt the imputation of the authorship to be so grievous a charge against him, he has full right to plead the integrity and honour of his whole life in vindication from the main accusation, while his only being privy to the secret would imply no criminality at all, and his having had a merely mechanical share in the publication might be accounted for by private authority or by official or personal relationship. An opinion has been very generally prevalent that the authorship of Junius was known to George III. Certainly the Letters to Lord North make mention of Sir P. Francis several times; but with commendation which that prince was very little likely to bestow had he suspected him either of the authorship or of any connexion with the author. The interest shown in his appointment to India can hardly be supposed to arise from that promotion having silenced Junius, and the strong feeling against Hastings cannot be considered as arising from a partiality for his adversary as Junius.

From the purport of the preceding pages will be gathered an opinion upon the whole considerably lower of this distinguished individual than may be found embodied in the panegyrical portraiture of Mr. Burke's speech on the India Bill. It would not be correct to speak, even as regards Indian affairs, of "his deep reach of thought, his large legislative conceptions, his grand plans of policy," because the mind of Sir Philip Francis was not framed upon a model like this, which might serve for the greatest genius that ever shone upon state affairs. It is also an exaggeration for

Mr. Burke and his colleagues to affirm that "from him all their lessons had been learnt, if they had learnt any good ones." But the highest part of the eulogy rises into no exaggeration:—"This man, driven from his employment, discountenanced by the directors, had no other reward and no other distinction but that inward 'sunshine of the soul,' which a good conscience can always bestow on itself."

MR. HORNE TOOKE.

MENTION has been made of the enmity which Mr. Horne Tooke always bore towards Sir Philip Francis; and it is not to be forgotten, among the circumstances which tend to connect the latter with Junius, that a fierce controversy had raged between the author of the Letters and the great grammarian; a controversy in which, although no one now doubts that the former was worsted, yet certainly the balance of abuse had been on his side, and the opinion of the public at the time was generally in his favour. Another circumstance of the same description is the zeal with which Sir Philip Francis always espoused the quarrel of Wilkes, as vehemently as he made war on Lord Mansfield. Few who recollect the debates of 1817 can forget the violence with which he attacked a member of the House of Commons for having said something slighting of Wilkes, while the eulogy of Lord Mansfield that accompanied the censure did not certainly recommend it to Sir Philip's palate. "Never while you live, Sir, say a word in favour of that corrupt judge."—"It was only the eloquence of his judgment on Wilkes's case that was praised."—"But the rule is never to praise a bad man for anything. Remember Jack Lee's golden rule, and be always abstemious of praise to an enemy. Lord Mansfield was sold on the Douglas cause, and the parties are known through whom the money was paid. As for Wilkes, whatever may be laid to his charge, joining to run him down, is joining the enemy to hurt a friend." Sir P. Francis's instinctive rage on such subjects as

must most have moved the author of Junius was very remarkable. The last and greatest effort which that shallow, violent, and unprincipled writer made, was against the illustrious judge, and it was attended with a signal discomfiture, sufficient to account for his ceasing to write under a name thus exposed to contempt for an arrogance which no resources sustained. Hence the bitterness with which the name of Mansfield was recollected by Sir P. Francis, suited exceedingly well the hypothesis of his identity with Junius; and Horne Tooke's hatred of Francis seems to betoken a suspicion, on his part, of some connexion with the anonymous writer. His warfare with Wilkes, whom both Junius and Francis always defended, is as well known as his controversy with Junius.

No man out of office all his life, and out of parliament all but a few months of its later period, ever acted so conspicuous a part in the political warfare of his times as Horne Tooke. From his earliest years he had devoted himself to the cause of liberty, and had given up the clerical profession because its duties interfered with secular controversy, which he knew to be his proper element. With the pursuits of the bar he perhaps unjustly conceived that this kind of partizanship could be more easily reconciled; but the indelible nature of English orders prevented him from being admitted a member of the legal profession; and he was thus thrown upon the world of politics and of letters for an occupation. His talents in both these spheres were of a high order. To great perspicacity, uncommon quickness of apprehension, a ready wit, much power of application, he joined a cautious circumspection, and calm deliberation not often found in such company, and possessed a firmness of purpose not to be daunted by any danger, a steady perseverance not to be relaxed by difficulties, but rather to be warmed into new zeal by any attempt at opposition. That he was crafty, however, as well as sagacious and

reflecting, soon appeared manifest; and when he was found often to put others forward on the stage, while he himself prompted behind the scenes, or moved the wires of the puppet, a distrust of him grew up which enabled plain dealers, pursuing a more straightforward course, to defeat him when they happened to fall out, although their resources were in every respect incomparably less ample. Notwithstanding this defect, fertile in expedients, bold in council, confident of his own powers, his influence was very great with the popular party, to whom indeed he was largely recommended by the mere facility of writing when compositions were wanted on the spur of the occasion, and the power of attacking their adversaries and defeating their friends, through the press, now first become a great engine of political force. For many years therefore he was the adviser and partizan of greatest weight among the high liberty party, that body which numbers its supporters out of doors by the million, and yet is often almost unrepresented in either house of parliament; that body which regards the interests of the people, in other words its own interests, as everything, and the schemes, the tactics, the conflicts, of the regular parties, as nothing, except a proof of Party being a game played for the interests of a few under the guise of public principle.

Personal considerations, as well as strongly-entertained opinions, gave this view of Party a strong hold over Mr. Tooke's mind. He had never become acquainted with the Whig leaders, except in conflict. With those of the opposite faction of course he never could amalgamate. The aristocratic and exclusive nature of Whig society, the conviction then prevailing, and at all times acted upon, that the whole interests of the state are wrapt up in those of "The Party," while those of the party are implied by the concerns of a few great families, their dependents, and their favourites,—was sure to keep at an unpassable distance

one who, like Mr. Tooke, felt his own real importance, was unwilling to measure it by the place he held in the estimation of some powerful lord or more puissant lady, and was determined not to substitute for it the base nominal value attached to obsequious servility.

In many of their objections to the regular parties in the state, Horne Tooke, and those with whom he acted, were very possibly right; and the friends of liberal principles certainly have had abundant reason to lament the misconduct of that party which came the nearest themselves in the line of policy they approved. But it would be the greatest mistake in the world to suppose that those persons had any claims to superior patriotism, on the ground of abjuring all party association, or even that they conducted their own affairs as a faction upon less exclusive principles. The people at large, whom they counselled and generally led, might well object to the abuse of the party principle, and might deny the right either of Whig or Tory to dictate their opinions; but Mr. Tooke and his friends, who assumed to be the popular leaders, were banded together in as regular and compact a body as ever flocked under the standards of the Government or the Opposition; they acted together in concert; they gave up lesser differences of individual opinion for the purpose of joining to gain some greater advantage on grounds common to all; nay, they were as jealous of any Whig interference as the Whigs could be of them; and had a coterie of their own, with all the littleness of such assemblages, just as much as Devonshire House or Holland House. The table of some worthy alderman was at one time their resort; the country residence of an elderly gentleman, who intended to leave Mr. Horne his fortune but only gave him his name of Tooke, was afterwards their haunt; latterly the residence of the grammarian himself received the initiated; and it was still more rare, perhaps, to see a regular Whig face in any of those

very patriotic and very select circles than to meet Mr. Tooke himself under the roof of the patrician. The acquisition of office was, perhaps, much less the object in view with those popular chiefs; it certainly was placed at a far greater distance from their grasp; but they had as little tolerance for any difference of opinion with their own creed, as little charity for the errors of those who went half-way with them towards their goal, and as great contempt or dislike of their persons as if they had gone under any of the appellatives which distinguish the parliamentary divisions of politicians.

That Mr. Tooke could take the field in political conflict as well as rule the councils of the people by his wisdom, was constantly made sufficiently apparent. If the pen of a ready writer were wanted, none more ready to take up whatever gauntlet the literary enemies of freedom might throw down, or to rouse the sleeping lion of state prosecution. If the scene of the fight lay on the Hustings, the Parson of Brentford was one of the most skilful and readiest to address the gathered multitude. If, in either capacity, as a writer or as a speaker, he came within the fangs of the law, those who kept him from conducting the suits of others soon found that he was the most able and skilful advocate of his own. Whether the contest were to be maintained with the scribes of the Treasury through the press, or its candidates at public meetings, or its lawyers in the courts of justice, he was ready with his pen, his tongue, his learning; and he seldom left any antagonist reason to gratulate himself on the opponent he had met or the victory he had won. His conduct of his own defence, against a prosecution for libel at the breaking out of the American war, when he had no assistance of counsel; and his cross-examination of the witnesses, when tried for High Treason in 1794, having the powerful aid of Mr. Erskine, were both justly admired, as displaying great address, readiness, presence of mind, and that circumspection which dis-

tinguished him in all situations, making him a far more safe counsellor than the high popular party almost ever at any other time possessed.

But it was not in action only that he distinguished himself, and gained great and deserved popularity. He suffered and suffered much for his principles. A bold and a just denunciation of the attack made upon our American brethren, which now-a-days would rank among the very mildest and tamest effusions of the periodical press, condemned him to a prison for twelve months, destined to have been among the most active of his life. His exertions to obtain parliamentary reform and good government for the country, accompanied with no conspiracy, and marked by no kind of personal or party violence, subjected his house to be ransacked by police officers, his repositories to be broken open, his private correspondence to be exposed, his daughters to be alarmed and insulted, his person, now bent down with grievous infirmities, to be hurried away in the night, undergo an inquisitorial examination before a secret council, be flung into prison, and only released after months of confinement, and after putting his life in jeopardy by a trial for High Treason. These are sufferings which fair-weather politicians know nothing of, which the members of the regular parties see at a distance, using them for topics of declamation against their adversaries, and as the materials for turning sentences in their holiday speeches —but they are sufferings which make men dear to the people; which are deeply engraved on the public mind; which cause them to be held in everlasting remembrance and love and honour by all reflecting men; because they set the seal upon all professions of patriotism, and, bolting the wheat from the chaff in the mass of candidates for public favour, show who be they that care for their principles, by showing who can suffer for them, and tell with a clear voice upon whom it is safe to rely as the votaries of public virtue.

That Mr. Tooke should after these trials have remained out of Parliament, to enter which he made so many attempts, could only be accounted for by the corrupt elective system which was then established. No sooner had a partial reform been effected than Cobbett and even Hunt found a seat for populous places. But the only time that Mr. Tooke ever sat in the House of Commons he was returned by the most close of all close boroughs, Old Sarum itself, then the property of Lord Camelford, the most harmless of whose vagaries was placing this eminent person in parliament. The old objection, however, of holy orders being indelible, was now revived; and though it was not determined that he whom it had prevented from practising as a lawyer was thereby also incapacitated from exercising the functions of a legislator, yet a declaratory act was passed which prevented any priest from ever after sitting in the House of Commons. The act was so far retrospective that it affected all persons then in orders.

By this proceeding neither Mr. Tooke nor the country sustained any loss. His talents appeared not to be, at least now that he had reached a late period of life, well fitted for Parliamentary debate. On the hustings he had shone with great brilliancy. Even in the warfare of the bar he was well calculated to excel. For addressing the multitude with effect he had many of the highest qualifications. Without any power whatever of declamation, with no mastery over the passions, with a manner so far from ever partaking at all of vehemence that it was hardly animated in the ordinary degree of conversation, he nevertheless was so clear in his positions, so distinct in his statements of fact, so ready in his repartee, so admirably gifted with the knowledge of what topics would tell best on the occasion, so dexterous in the employment of short, plain, strong arguments, so happy in the use of his various and even motley information, could so powerfully

season his discourse with wit and with humour, and so boldly, even recklessly, handle the most perilous topics of attack, whether on individuals or on establishments, that it may be doubted if any man in modern times, when the line has been drawn between refined eloquence and mob oratory, ever addressed the multitude with more certain, more uniform success. Whoever reads the speeches at the different Westminster elections of 1790, 1796, and 1802, when he stood against both the Government candidate and Mr. Fox, will at once perceive how vastly superior his were to those of the other speakers. But, as Mr. Fox was generally very unsuccessful on such occasions, this comparison would furnish an inadequate notion of his great merits in this kind. It is more material to add, that his slow, composed manner, and clear enunciation, enabling what he said to be easily taken down, the reports which are penned convey a very accurate idea of the singular degree in which he excelled. On the other hand, he was peculiarly fitted for the very different contests of forensic skill, by his learning, his subtlety, his quick and sure perception of resemblances and of diversities, which with his unabashed boldness, his presence of mind, and his imperturbable temper, made him a most powerful advocate, whether before a judge in arguing points of law, or in the conduct of the inquiry for a jury's decision. That he was wholly impregnable in the position which he took, both the Court felt when its efforts to stop him or turn aside his course were found to be utterly vain, and the opposing advocate who never for an instant could succeed in putting him down with the weight of authority and of station, any more than in circumventing him by the niceties of technical lore. All that the Mansfields and the Bullers could ever effect, was to occasion a repetition, with aggravating variations, of the offensive passages; all that Attorney-Generals could obtain was some new laughter from the audience at their expense.

Unruffled by the vexation of interruptions, as undaunted by power, by station, by professional experience, by the truly formidable conspiracy against all interlopers, in which the whole bar, almost filling the court on great occasions, really is in a considerable degree, but appears to be in a far larger extent, combined,—there stood the layman, rejected as a Barrister, relying only on his own resources, and in the most plain and homely English, with more than the self-possession and composure of a judge who had the whole Court at his feet, uttered the most offensive opinions, garnished with the broadest and bitterest sarcasms at all the dogmas and all the functionaries whom almost all other men were agreed in deeming exempt from attack, and even too venerable for observation. That his coolness and boldness occasionally encroached upon the adjoining province of audacity, which might even be termed impudence, cannot be denied. When he would turn the laugh against a person who had offended him, or had defeated him, there was nothing at which he would stick. Thus Mr. Beaufoy having fallen short of his expectations in his evidence to character, or to political and personal intimacy, at the Treason trials, he resented his coldness and refreshed his recollection by a story, invented at the moment. "Was it not when you came to complain to me of Mr. Pitt not returning your bow in Parliament Street?" And in private society he was as unscrupulous in dealing with facts, as has been remarked when speaking of the dislike he bore Sir P. Francis. It was another defect in his forensic exertions that he was apt to be over-refining; but this and other faults need excite little wonder, when we reflect that on those occasions he laboured under the extreme disadvantage of entire want of practice. The wonder is that one who was only three or four times in a court of justice should have displayed a talent and a tact of which experienced advocates might have been proud.

When he came into the House of Commons, where earlier in life he certainly would have had great success, he entirely failed. One speech, that in his own case, was favourably received; but on the few other occasions on which he came forward, he was without any dispute unsuccessful. His Hustings habits and topics were entirely unsuited to the more severe genius of the place; and he was too old to lay them aside, that he might clothe himself in the parliamentary attire.

But much and justly as he was distinguished in his own time both among popular leaders, and as a martyr for popular principles, it is as a philosophical grammarian that his name will reach distant ages. To this character his pretensions were of the highest class. Acumen not to be surpassed, learning quite adequate to the occasion, a strong predilection for the pursuit, qualified him to take the first place, and to leave the science, scanty when his inquiries began, enlarged and enriched by his discoveries; for discoveries he made as incontestably as ever did the follower of physical science by the cognate methods of inductive investigation.

The principle upon which his system is founded excels in simplicity, and is eminently natural and reasonable. As all our knowledge relates primarily to things, as mere existence is manifestly the first idea which the mind can have, as it is simple without involving any process of reasoning,—substantives are evidently the first objects of our thoughts, and we learn their existence before we contemplate their actions, motions, or changes. Motion is a complex and not a simple idea: it is gained from the comparison of two places or positions, and drawing the conclusion that a change has happened. Action, or the relation between the agent and the act, is still more complex: it implies the observation of two events following one another, but until we have pursued this sequence very often, we never could think of connecting them together. Those actions which we ourselves perform are

yet less simple, and the experience which teaches us our own thoughts must be accompanied with more reflection. As for other ideas of a general or abstract nature, they are still later of being distinctly formed. Hence the origin of language must be traced to substantives, to existences, to simple apprehensions, to things. Having given names to these, we proceed to use those names in expressing change, action, motion, suffering, manners of doing, modes of suffering or of being. Thus verbs are employed, and they are obtained from substantives. Relations, relative positions, comparisons, contrasts, affinities, negatives, exclamations follow; and the power of expressing these is obtained from substantives and from verbs. So that all language becomes simply, naturally, rationally, resolved into substantives as its element, or subtantives and verbs, verbs themselves being acquired from substantives.

The simple grandeur of this leading idea, which runs through the whole of Mr. Tooke's system, at once recommends it to our acceptation. But the details of the theory are its great merit; for he followed it into every minute particular of our language, and only left it imperfect in confining his speculations to the English tongue, while doubtless the doctrine is of universal application. He had great resources for the performance of the task which he thus set himself. A master of the old Saxon, the root of our noble language; thoroughly and familiarly acquainted with all our best writers; sufficiently skilled in other tongues ancient and modern, though only generally, and, for any purposes but that of his Anglo-Saxon inquiry, rather superficially, he could trace with a clear and steady eye the relations and derivations of all our parts of speech: and in delivering his remarks, whether to illustrate his own principles, or to expose the errors of other theories, or to controvert and expose to ridicule his predecessors, his never-failing ingenuity and ready wit stood him in such constant stead, that he has made

one of the driest subjects in the whole range of literature or science, one of the most amusing and even lively of books; nor did any one ever take up the Diversions of Purley* (as he has quaintly chosen to call it) and lay it down till some other avocation tore it from his hands.

The success of this system has been such as its great essential merits, and its more superficial attractions combined, might have led us to expect. All men are convinced of its truth; and as everything which had been done before was superseded by it, so nothing has since been effected unless in pursuing its views and building upon its solid foundations. One only fault is to be found, not so much with the system as with its effects upon the understanding and habits of the ingenious author. Its brilliant success made him an etymologist and grammarian in everything. He became prone to turn all controversies into discussions on terms. He saw roots and derivatives in everything; and was apt to think he had discovered a decisive argument, or solved a political or a metaphysical or an ethical problem, when he had only found the original meaning of a word. Thus he would hold that the law of libel was unjust and absurd because *libel* means a little book; no kind of proof that there may not be a substantive offence which goes by such a name, any more than forgery is denied to be a crime, although the original of the name is the very innocent operation of hammering iron softened in the fire. But he also in the case referred to left wholly out of view half the phrase; for it is certain that libel, or *libellus*, is not the Latin of libel, but *libellus famosus*, a defamatory writing.

But this etymological pedantry was engrafted upon a rich stock of sound and healthy constitutional learning. Few men were better acquainted with the history of his country in all its periods. The antiquities of our language were hardly better known to him, or the

* Ἔπεα πτερόεντα is the more classical synonyme which it bears.

changes which it had undergone, than the antiquities and the progress of our mixed constitution. His opinions might be strongly tinged with democracy, but towards a republic he had no leaning whatever; and he erred fully as much in undervaluing the people's capacity of self-government, as in the belief of their having anciently enjoyed more power in the monarchy than they ever possessed. In the virtues of representative government, the great discovery of modern times, by which popular rights are rendered capable of exercise on a large scale, and a democratic scheme of polity becomes reconcileable with an extensive territory and a numerous community, he had the most entire confidence; but he would have pushed the right of suffrage farther than the education of the people rendered safe; and it was a great inconsistency in his doctrines, that while he held the notion of the whole people governing themselves to be utterly chimerical and absurd, he yet desired to see the whole people yearly select their rulers. Nor can we trace in any of his writings the idea, so natural, and indeed so obviously flowing from his own principles, that in proportion as the people become better informed and more experienced, the extension of their rights becomes safe, and if safe, becomes also just and necessary, until at length they are fitted for a much larger share in managing their own affairs than any merely Parliamentary Reformer has ever yet assigned to them.

Subject to these remarks, and to the further observation, that, like all learned men and legal antiquaries, he set too great store by antiquity, guided himself too much by precedent, and was not sufficiently alive to the necessity of new schemes of policy in an altered and improved state of circumstances, his constitutional knowledge, and the use made of it, was of very great value. He was ever ready to stand on the firm ground of right, and to press the claims of men to their legal privileges. He brought many important constitutional

questions to a fair issue; he was the patron, the supporter, the fellow-labourer of all who dared to resist arbitrary power, and would make a stand for the rights of man, and the principles of the constitution. In the pursuit of these things he could resist both the frowns of power and the clamours of the mob; and although his life was spent as one among the leaders of the high popular party, he was as often in controversy with others who, having no learning like his, and no discretion to guide them, went extravagant lengths to please the multitude, and as often the object of popular dislike, as he was of favour from the mass of his followers. In his controversy with Wilkes, he showed this courage abundantly: he was clearly in the right; he was attacked in a manner wholly vile and odious by a profligate man, and an unprincipled politician; he maintained his ground to the satisfaction of the reasoning and reflecting few; but he was the object of general and fierce popular indignation for daring to combat the worthless idol of the thoughtless mob.

In private life he was eminently agreeable, and his manners were those of a high-bred gentleman. His conversation was admirably diversified with both wit and argument, ordinary and rare information. Its vice was that of his understanding—a constant pursuit of paradox;—and that of his character—a love of victory and a carelessness about truth. His etymological renown brought him in contact with many men of letters; and his ancient antagonist, Lord Thurlow, hopeless of living to see the last part of the Επεα πτεροεντα, proposed to make his acquaintance, that he might discuss its subject with him. They met accordingly, the ex-Chancellor volunteering a visit to Wimbledon, as being by a little the less infirm of the two. A considerable intimacy thus grew up between these veterans, who were probably reconciled even on political scores by their common enmity to the powerful minister of the day.

LORD CASTLEREAGH.

We have stepped aside from contemplating the figures of those who had the confidence of George III., and who also presided over the councils of George IV. during the Regency and during his reign, in order to consider three of their opponents; but it is time that we return to survey others of the leading men in whose hands the guidance of the state was placed, until the period towards the end of his reign, when the Tory party was broken up by the differences between Mr. Canning and his colleagues. Those men also belonging to the times of George III. They were, like Lord Eldon, the component parts of Mr. Addington's administration, the cabinet which enjoyed his favour more than any he ever had after the dismissal of Lord North; and perhaps it was the mediocrity of their talents, in general, that chiefly recommended them to his regards. For with the exception of Lord Eldon and Lord St. Vincent, the list comprises no great names. Of the "safe and middling men," described jocularly by Mr. Canning, as "meaning very little, nor meaning that little well,"* Lord Castlereagh was, in some respects, the least inconsiderable. His capacity was greatly underrated from the poverty of his discourse; and his ideas passed for much less than they were worth, from the habitual obscurity of his expressions. But he was far above the bulk of his colleagues in abilities; and none

* "Happy the nation's fate, I ween,
As Britain's sons can tell,
Whose rulers very little mean,
Nor mean that little well."

of them all, except Lord St. Vincent, with whom he was officially connected only for a short time, exercised so large an influence over the fortunes of their country. Indeed scarce any man of any party bore a more important place in public affairs, or occupies a larger space in the history of his times.

Few men of more meagre acquirements than Lord Castlereagh possessed, had before his day ever risen to any station of eminence in our free country; fewer still have long retained it in a State where mere Court intrigue and princely favour have so little to do with men's advancement. But we have lived to see persons of far more obscure merit than Lord Castlereagh rise to equal station. Of sober and industrious habits, and become possessed of business-like talents by long experience, he was a person of the most commonplace abilities in all that regarded parliamentary display. He had sufficient quickness of apprehension and clearness of understanding, but nothing brilliant or in any way admirable marked either his conceptions or his execution. Nay, to judge of his intellect by his eloquence, we should certainly have formed a very unfair estimate of its perspicacity. For though it had no enlargement or comprehensiveness, it was very far from being confused or perplexed like his periods, and the listener who knew how distinctly the speaker could form his plans, how clearly his ideas were apprehended by himself, how great was his sagacity in dealing with others, might, comparing small things with great, be reminded of the prodigious contrast between the distinctness of Oliver Cromwell's understanding, and the hopeless confusion and obscurity of his speech. No man, besides, ever attained the station of a regular debater in our Parliament with such an entire want of all classical accomplishment, and indeed of all literary provision whatsoever. While he never showed the least symptom of an information extending beyond the more recent volumes of the Parliamentary Debates,

or possibly the files of the newspapers only, his diction set all imitation, perhaps all description, at defiance. It was with some an amusement to beguile the tedious hours of their unavoidable attendance upon the poor, tawdry, ravelled thread of his sorry discourse, to collect a kind of *ana* from the fragments of mixed, incongruous, and disjointed images that frequently appeared in it. "The features of the clause"—"the ignorant impatience of the relaxation of taxation"—"sets of circumstances coming up and circumstances going down"—"men turning their backs upon themselves"—"the honourable and learned gentleman's wedge getting into the loyal feelings of the manufacturing classes"—"the constitutional principle wound up in the bowels of the monarchical principle"—"the Herculean labour of the honourable and learned member, who will find himself quite disappointed when he has at last brought forth his Hercules"—(by a slight confounding of the mother's labour which produced that hero, with his own exploits which gained him immortality)—these are but a few, and not the richest samples, by any means, of a rhetoric which often baffled alike the gravity of the Treasury Bench and the art of the reporter, and left the wondering audience at a loss to conjecture how any one could ever exist, endowed with humbler pretensions to the name of orator.

Wherefore, when the Tory party, "having a devil," preferred him to Mr. Canning for their leader, all men naturally expected that he would entirely fail to command even the attendance of the House while he addressed it; and that the benches, empty during his time, would only be replenished when his highly-gifted competitor rose. They were greatly deceived; they underrated the effect of place and power; they forgot that the representative of a government speaks "as one having authority, and not as the Scribes." But they also forgot that Lord Castlereagh had some qualities well fitted to conciliate favour, and even to

provoke admiration, in the absence of everything like eloquence, and without having ever written a line in the 'Anti-Jacobin.' He was a bold and fearless man; the very courage with which he exposed himself unabashed to the most critical audience in the world, while incapable of uttering two sentences of anything but the meanest matter, in the most wretched language; the gallantry with which he faced the greatest difficulties of a question; the unflinching perseverance with which he went through a whole subject, leaving untouched not one of its points, whether he could grapple with it or no, and not one of the adverse arguments, however forcibly and felicitously they had been urged, neither daunted by recollecting the impression just made by his antagonist's brilliant display, nor damped by consciousness of the very rags in which he now presented himself—all this made him upon the whole rather a favourite with the audience whose patience he was taxing mercilessly, and whose gravity he ever and anon put to a very severe trial. Nor can any one have forgotten the kind of pride that mantled on the fronts of the Tory phalanx, when, after being overwhelmed with the powerful fire of the Whig opposition, or galled by the fierce denunciations of the Mountain, or harassed by the brilliant though often tinsel displays of Mr. Canning, their chosen leader stood forth, and presenting the graces of his eminently patrician figure, flung open his coat, displayed an azure ribbon traversing a snow-white chest, and declared "his high satisfaction that he could now meet the charges against him face to face, and repel with indignation all that his adversaries were bold and rash enough to advance."

Such he was in debate; in council he certainly had far more resources. He possessed a fund of plain sense, not to be misled by any refinement of speculation, or clouded by any fanciful notions. He went straight to his point. He was brave politically as well

as personally. Of this, his conduct on the Irish Union had given abundant proof; and nothing could be more just than the rebuke which, as connected with the topic of personal courage, we may recollect his administering to a great man who had passed the limits of Parliamentary courtesy—"Every one must be sensible," he said, "that if any personal quarrel were desired, any insulting language used publicly where it could not be met as it deserved, was the way to prevent and not to produce such a rencounter."—No one after that treated him with disrespect. The complaints made of his Irish administration were well grounded as regarded the corruption of the Parliament by which he accomplished the Union, though he had certainly no direct hand in the bribery practised; but they were entirely unfounded as regarded the cruelties practised during and after the Rebellion. Far from partaking in these atrocities, he uniformly and strenuously set his face against them. He was of a cold temperament and determined character, but not of a cruel disposition; and to him, more than perhaps to any one else, was owing the termination of the system stained with blood. It is another topic of high praise that he took a generous part against the faction which, setting themselves against all liberal, all tolerant government, sought to drive from their posts the two most venerable rulers with whom Ireland had ever been blessed, Cornwallis and Abercromby. Nor can it be too often repeated that when his colleagues acting under Lord Clare had denounced Mr. Grattan in the Lords' Report, as implicated in a guilty knowledge of the rebellion, he, and he alone, prevented the Report of the Commons from joining in the same groundless charge against the illustrious patriot. An intimation of this from a common friend* (who communicated the remarkable fact to the author of these pages)

* The Knight of Kerry.

alone prevented a personal meeting between the two upon a subsequent occasion.

Lord Castlereagh's foreign administration was as destitute of all merit as possible. No enlarged views guided his conduct; no liberal principles claimed his regard; no generous sympathies, no grateful feelings for the people whose sufferings and whose valour had accomplished the restoration of their national independence, prompted his tongue, when he carried forth from the land of liberty that influence which she had a right to exercise,—she who had made such vast sacrifices, and was never in return to reap any the least selfish advantage. The representative of England among those Powers whom her treasure and her arms had done so much to save, he ought to have held the language becoming a free state, and claimed for justice and for liberty the recognition which he had the better right to demand, that we gained nothing for ourselves after all our sufferings, and all our expenditure of blood as well as money. Instead of this, he flung himself at once and for ever into the arms of the sovereigns—seemed to take a pride in being suffered to become their associate—appeared desirous, like one elevated into higher circles, qualifying himself for the company he now kept, by assuming their habits,—and never pronounced any of those words so familiar with the English nation and with English statesmen, in the mother tongue of a limited monarchy, for fear that they might be deemed unsuited to the society of crowned heads, in which he was living, and to which they might prove as distasteful as they were unusual.

It is little to be wondered at, that those potentates found him ready enough with his defence of their Holy Alliance. When it was attacked in 1816, he began by denying that it meant anything at all. He afterwards explained it away as a mere pledge of pacific intentions, and a new security for the stability of the settlement made by the Congress of Vienna.

Finally, when he was compelled to depart from the monstrous principle of systematic interference to which it gave birth, and to establish which it was originally intended, he made so tardy, so cold, so reluctant a protest against the general doctrine of the Allies, that the influence of England could not be said to have been exerted at all in behalf of national independence, even if the protest had been unaccompanied with a *carte blanche* to the Allies for all injuries they were offering to particular states in the genuine spirit of the system protested against. The Allies issued from Troppau one manifesto, from Laybach another, against the free constitution which had just been established at Naples by a military force co-operating with a movement of the people. On the eve of the Parliament meeting (19th Jan. 1821), Lord Castlereagh delivered a note to the Holy Allies, expressing in feeble and measured terms a very meagre dissent from the principle of interference; but adding a peremptory disapproval of the means by which the Neapolitan revolution had been effected, and indicating very plainly that England would allow whatever they chose to do for the purpose of putting down the new government and restoring the old. It is certain that this kind of revolution is of all others the very worst, and to liberty the most unpropitious. It is also probable that the people of Naples knew not what they sought; nay, when they proclaimed the Spanish Constitution, it is said there was no copy of it to be found in the whole city. Nevertheless the same kind of military movement had produced the destruction of the same constitution in Spain, and restored the power and prerogative of Ferdinand; and no exception had been ever taken to it, in that instance, either by the Holy Allies or by England. There could therefore be no doubt whatever, that this mode of effecting changes in a government was only displeasing to those parties when the change happened to be of a popular kind, and that a military

revolution to restore or to found a despotic government was a thing perfectly to their liking. Thus faintly dissented from as to the principle, and not even faintly opposed as to its application in the particular instance, the three sovereigns deputed one of their number to march, and the Austrian troops ended, in a few days, all that the Neapolitan army had done in as many hours.

But late in 1822, Spain, or rather Madrid, again became the scene of a revolutionary movement; and the people obtained once more a free form of government. Again the Holy Allies set themselves to work; and, on this occasion, their manifestoes were directed to arm France with the authority of the League. First, an army was assembled on the Spanish frontier, under the stale pretext of some infectious disorder requiring a sanitary cordon; the same pretext on which the legitimate predecessors of the Holy Allies had in former times surrounded unhappy Poland with their armed hordes—the only difference being, that an epidemic was in that instance said to be raging among the cattle, and now it was supposed to be the plague among men. A great change had, however, now taken place in the British department of Foreign Affairs. Lord Castlereagh's sudden death had changed Mr. Canning's Indian destination, and placed him both at the head of the Foreign Office, and in the lead of the House of Commons. His views were widely different from those of his predecessor. He was justly jealous of the whole principles and policy of the Holy Alliance; he was disgusted with the courtly language of the crafty despots who, under the mask of religious zeal, were enslaving Europe: he was indignant at the subservient part in those designs which England had been playing; and he was resolved that this obsequiousness should no longer disgrace his country. In America, he was determined that the colonies of Spain should be recognized as clothed with the independence which they had purchased by their valour; in Europe,

he was fixed in the design of unchaining England from the chariot wheels of the Holy Allies. It is from this portion of his life, and from his having, in 1827, been joined by most of the more considerable Whigs, that men are accustomed to regard Mr. Canning as a man of liberal opinions. In no other respect did he differ from Lord Castlereagh, who was also a steady friend of Catholic Emancipation. In no instance whatever had he made the least sacrifice to that lately acquired liberality. Even when he clothed himself in it, as many held, in order to obtain needful support against his Tory enemies, he showed as scanty a measure of its faith as was possible; and the fact is beyond all dispute, that he both declared against Catholic Emancipation, and tried every means to obtain recruits to his cabinet among the Tories, rather than admit Whigs into it.

As a friend of the Catholic question, it must be admitted that Lord Castlereagh ranks much above Mr. Canning. Indeed, as a statesman he may be regarded as his superior in all but the narrow and illiberal views which guided his conduct, and from which Mr. Canning shook himself free during the last few years of his life. Lord Castlereagh is certainly the most striking example of the effects produced by our Parliamentary system of Government in most unjustly lowering the reputation of public men who happen not to succeed in debate.

LORD LIVERPOOL.

THE eminent individual whom we have just been surveying* never rose to the place of ostensible Prime Minister, although for the last ten years of his life he exercised almost all the influence of that office, and was the ministerial leader of the House of Commons. But Lord Liverpool was the nominal chief, at least, under whom he served. He presided over the councils of England for a longer time than any other, excepting Walpole and Pitt, and for a period incomparably more glorious in all that is commonly deemed to constitute national renown. He was Prime Minister of England for fifteen years, after having filled in succession almost every political office, from under-secretary of state upwards; and passed his whole life, from the age of manhood, in the public service, save the single year that followed the death of Mr. Pitt. So long and so little interrupted a course of official prosperity was never, perhaps, enjoyed by any other statesman.

But this was not his only felicity. It happened to him, that the years during which the helm of the state, as it is called, was intrusted to his hands, were those of the greatest events, alike in negotiation, in war, in commerce, and in finance, whichever occurred to illustrate or to checker the annals of Europe. He saw the power of France attain a pitch altogether unexampled, and embrace the whole of the continent, except Russia alone, hitherto believed safe in her distant position and enormous natural strength; but he saw her, too, invaded, her numerous armies overthrown, her almost

* Lord Castlereagh.

inaccessible capital destroyed. Then followed the insurrection of conquered Germany—the defeat of victorious France—the war pushed into her territory—the advance of the allies to the capital—the restoration of the ancient dynasty. By a singular coincidence, having signalized his outset in public life by a supposition which he propounded as possible—a march to Paris—this was then deemed so outrageous an absurdity that it became connected with his name as a standing topic of ridicule; yet he lived to see the impossibility realized, was Prime Minister when the impossible event actually happened, and did not survive the dynasty which he had mainly contributed to restore. Peace was thus brought back, but without her sister, plenty; and intestine discord now took the place of foreign war. He saw the greatest distress which this country had ever suffered in all the departments of her vast and various industry; agriculture sunk down, manufactures depressed to the earth, commerce struggling for existence, an entire stop put to all schemes for lightening the load of the public debt, and a convulsion in the value of all property, in the relations of all creditors and all debtors, in the operation of all contracts between man and man—the inevitable effects of a sudden and violent alteration of the currency, the standard of which his colleagues, twenty years before, had interfered to change. Gradually he saw trade, and agriculture, and industry in all its branches, again revive, but public discontent not subsiding. Both in Ireland, which he mainly helped to misgovern, and in England, where he opposed all political improvement, he witnessed the tremendous effects of a people becoming more enlightened than their rulers; and the last years of his life were spent in vain efforts to escape from a sight of the torrent which he could not stem. It made an interlude in this long and varied political scene, that he consented to the worst act ever done by any English monarch, the persecution of his Queen for

acts of hers and for purposes of his own, connected with a course of maltreatment to which the history of conjugal misdemeanor furnishes no parallel.

Yet, prodigious as is the importance, and singular as the variety of these events, which all happened during his administration,—and although party ran higher and took a far more personal turn during those fifteen years than at any other period of our political history,—no minister, nay, few men in any subordinate public station, ever passed his time with so little ill-will directed towards himself, had so much forbearance shown him upon all occasions, nay, few engaged uniformly so large a share of personal esteem. To what did he owe this rare felicity of his lot? How came it to pass that a station, in all other men's cases the most irksome, in his was easy—that the couch, so thorny to others, was to him of down? Whence the singular spectacle of the Prime Minister—the person primarily answerable for anything which is done amiss, and in fact often made to answer for whatever turns out unluckily through no possible fault of his own, or indeed of any man—should, by common consent, have been exempted from almost all blame; and that whoever attacked most bitterly all other public functionaries, in any department, should have felt it no business of his to speak otherwise than respectfully, if not tenderly, or if not respectfully, yet with mild forbearance of him, who, having been all his life in high office, a party to every unpopular and unfortunate proceeding of the government, and never a changeling in any one of his political opinions, even in the most unpopular of all, was now for so many long years at the head of the national councils, and in the first instance, by the law of the constitution and in point of fact, answerable for whatever was done or whatever was neglected?

This question may, perhaps, be answered by observing that the abilities of Lord Liverpool were far more solid than shining, and that men are apt to be jealous,

perhaps envious, certainly distrustful, of great and brilliant genius in statesmen. Respectable mediocrity offends nobody. Nay, as the great bulk of mankind feel it to be their own case, they perhaps have some satisfaction in being correctly represented by those who administer their affairs. Add to this, that the subject of these remarks was gifted with extraordinary prudence, displaying, from his earliest years, a rare discretion in all the parts of his conduct. Not only was there nothing of imagination, or extravagance, or any matter above the most ordinary comprehension, in whatever he spoke (excepting only his unhappy flight about marching to Paris, which for many years seemingly sunk him in the public estimation)—but he spoke so seldom as to show that he never did so unless the necessity of the case required it; while his life was spent in the business of office, a thing eminently agreeable to the taste, because closely resembling the habits, of a nation composed of men of business. "That's a good young man, who is always at his desk," the common amount of civic panegyric to a virtuous apprentice, was in terms, no doubt, often applied to Mr. Robert Jenkinson. "Here comes a worthy minister, whose days and nights have been passed in his office, and not in idle talking," might be the slight transformation by which this early eulogy was adapted to his subsequent manhood and full-blown character. Nor must it be forgotten that a more inoffensive speaker has seldom appeared in Parliament. He was never known to utter a word at which any one could take exception. He was besides (a much higher praise) the most fair and candid of all debaters. No advantage to be derived from a misrepresentation, or even an omission, ever tempted him to forego the honest and the manly satisfaction of stating the fact as it was, treating his adversary as he deserved, and at least reciting fairly what had been urged against him, if he could not successfully answer it.

In all these respects, Mr. Canning furnished a contrast

which was eminently beneficial to Lord Liverpool, with whom he was so often, absurdly enough, compared, for no better reason than that they were of the same standing, and began life together and in the same service. But, in another respect, he gave less offence than his brilliant contemporary. A wit, though he amuses for the moment, unavoidably gives frequent umbrage to grave and serious men, who don't think public affairs should be lightly handled, and are constantly falling into the error that, when a person is arguing the most conclusively, by showing the gross and ludicrous absurdity of his adversary's reasoning, he is jesting and not arguing; while the argument is in reality more close and stringent, the more he shows the opposite position to be grossly ludicrous,—that is, the more effective the wit becomes. But though all this is perfectly true, it is equally certain that danger attends such courses with the common run of plain men. Hence all lawyers versed in the practice of *Nisi Prius*, are well aware of the risk they run by being witty, or ingenious and fanciful, before a jury; unless their object be to reduce the damages in an absurd case, by what is called laughing it out of court; and you can almost tell, at a great distance, whether the plaintiff or the defendant's counsel is speaking to the jury, by observing whether he is grave, solemn, and earnest in his demeanour, or light and facetious. Nor is it only by wit that genius offends; flowers of imagination, flights of oratory, great passages, are more admired by the critic than relished by the worthy men who darken the porch of Boodle's—chiefly answering to the names of Sir Robert and Sir John; and the solid traders,—the very *good* men who stream along the Strand from 'Change towards St. Stephen's Chapel, at five o'clock, to see the business of the country done by the Sovereign's servants. A pretty long course of observation on these component parts of Parliamentary audience, begets some doubt if noble passages (termed "fine flourishes") be not

taken by them as something personally offensive. Of course, we speak not of quotations—these, no doubt, and reasonably, are so considered—especially if in the unknown tongues; though even an English quotation is not by any means safe, and certainly requires an apology. But we refer to such fine passages as Mr. Canning often indulged himself, and a few of his hearers, with; and, which certainly seemed to be received as an insult by whole benches of men accustomed to distribute justice at Sessions—the class of the

—Pannosus vacuis sedilis Ulubris—

—him whom Johnson called (translating)

The wisest justice on the banks of Trent.

These worthies, the dignitaries of the empire, resent such flights as liberties taken with them; and always say, when others force them to praise—"Well, well—but it was out of place. We have nothing to do with King Priam here—or with a heathen god, such as Æolus:—those kind of folks are very well in Pope's Homer and Dryden's Virgil;—but, as I said to Sir Robert who sat next to me, What have you or I to do with them matters? I like a good, plain man of business, like young Mr. Jenkinson—a man of the pen and the desk, like his father before him—and who never speaks when he is not wanted: let me tell you, Mr. Canning speaks too much, by half. Time is short—there are only twenty-four hours in the day, you know."

It may further be observed, that, with the exception of the Queen's case, there was no violent or profligate act of the Government, nor any unfortunate or unpopular measure, which could not, with some colour of justice, be fixed upon some of Lord Liverpool's colleagues, in ease of himself, if men were thus favourably disposed. Lord Castlereagh was foreign minister, and had conducted our negotiations in person while abroad. He was, therefore, alone, held accountable

for all the mistakes of that department; and especially for the countenance given to the designs of the Holy Allies. For notwithstanding his known liberality upon Irish questions, and his equally certain opposition to the cruelties by which the history of the Government during the rebellion of 1798 was disfigured, he had committed the sin, never by Irishmen to be forgiven or forgotten,—the carrying through of the Union, and abating the greatest public nuisance of modern times, the profligate, shameless, and corrupt Irish Parliament. Hence, all the faults and all the omissions of the Ministry, in respect of Irish affairs, were laid upon his single head by every true Irishman; while Lord Liverpool, himself a party to the worst policy of past times, was, in his own person, as head of the Government for so many years, the main obstacle to the repeal of the Penal Code; and yet he escaped all censure in the perspicacious and equitable distribution of Irish justice. For obstructing all Law Reforms, and for delay in the administration of justice in practice, Lord Eldon offered a convenient object of attack; and on him all the hostile fire was directed, being thus drawn off from the favourite Premier. Even the blunders committed in finance, though belonging to the peculiar department of the First Lord of the Treasury, were never marked in connexion with any name but Mr. Vansittart's. The boast of prosperity,—the schemes of Bank discount which accompanied it, exacerbating the malady of speculation one year and the miseryof panic the next,—were as much Lord Liverpool's as Mr. Robinson's; but the latter alone was blamed, or ever named in reference to these great calamities. Nay, even the violent revolution suddenly effected in the currency, and effected without the least precaution to guard against the country repaying twenty-five shillings for every twenty shillings borrowed,—was reckoned exclusively the work of Mr. Peel, as if he, being out of office altogether, had been at the head of the

Government; while the Whigs stepped in to claim their share of the public gratitude and applause for this great but not very well-considered operation.

It was curious to observe the care with which, all the while, these selections were made of parties on whom to lay the blame. No popular outcry ever assailed Lord Liverpool. While others were the objects of alternate execration and scorn, he was generally respected, never assailed. The fate that befel him was that which might have mortified others, but well suited his tastes, to be little thought of, less talked about—or if, in debate, any measure was to be exposed—any minister to be attacked—means were ever found, nay, pains were taken to "assure the House that nothing was meant against the respected nobleman at the head of His Majesty's Government, for whom we all entertain feelings of *et cetera*, and of *et cetera*, and of *et cetera*."

Such was the happy lot of Lord Liverpool; such are the comforts which a respectable mediocrity of talents, with its almost constant companion, an extreme measure of discretion in the use of them, confers upon its possessor in lieu of brilliant reputation, with its attendant detraction and hate. While the conqueror mounts his triumphal car, and hears the air rent with the shouts of his name, he hears, too, the malignant whisper appointed to remind him, that the trumpet of fame blunts not the tooth of calumny; nay, he descends from his eminence when the splendid day is over, to be made the victim of never-ending envy, and of slander which is immortal, as the price of that day's delirious enjoyment: and all the time safety and peace is the lot of the humbler companion, who shared his labours without partaking of his renown, and who, if he has enjoyed little, has paid and suffered less.

Accordingly, it is fit that one thing should be added to what has been recorded of the general for-

bearance exercised towards this fortunate minister: it was nearly akin to neglect or indifference, though certainly not at all savouring of contempt. There was nothing striking or shining in his qualities, which were the solid, useful, well-wearing ones of business-like habits and information. While great measures were executed, no one thought of Lord Liverpool. When men came to reflect, they found he was still Prime Minister; but he retired so much from public view that he was seldom thought of. Thus, if he had no blame when faults were committed, or things went wrong, so he had no praise for what was well done, or gratitude for many signal successes. He was, in truth, hardly ever considered in the matter.

He was a plain, every-day kind of speaker, who never rose above the range either of his audience or his topic; and he chose his topic so as to require no strength of persuasion beyond what he possessed. He was clear and distinct enough, and even, in that first essential of business speaking, not distinguished for his excellence above almost any one who is accustomed to state a case or take part in a debate. His diction was on a level with his matter; it had nothing rare, or adorned, or happy; but though plain enough, it was not pure, or more pure than the sources from which he derived it—the Parliamentary debates, the official despatches, and the newspapers of the day. If, adopting the middle style, or even the *humile genus dicendi*, he had maintained in his language the standard purity, he would have passed, and justly, for a considerable artist in that kind;—as Swift is always praised for being a model of one style of writing. But it would be very wide, indeed, of the truth to say that the threefold nature of Mr. Jenkinson, Lord Hawkesbury, and Lord Liverpool, ever presented a model of anything, except perhaps safe mediocrity: of a pure or correct style, he assuredly was no sample. He "met the question"—when "on his legs" he

would take upon himself "to assert, as he had caught the Speaker's eye," that no "influential person" of "his Majesty's actual government" had ever "advocated liberalism" less than "the humble individual who now addressed them," and whose duty it was "to justify the proposed bill." In short, he showed plainly enough that a man might avoid lofty flights, and stick to his native earth, without habitually walking in clean places; and that he who is not bold enough to face the perils of the deep, may hug the shore too close, and make shipwreck upon its mean inequalities.

In council he was safe if not fertile of expedient. He seldom roused his courage up to bold measures; and was one of the narrow minds whom Lord Wellesley quitted, when he found them resolved neither to make peace nor to wage war with any reasonable chance of success; and whom the prodigious achievements of his illustrious brother, contrary to all probability, and beyond every rational hope, united, with the madness of Napoleon and the severity of a northern winter, to rescue from the position which their puny councils had so well earned, and so richly deserved. He had not the spirit or the political courage required for great emergencies; yet could he be driven, by the fear of losing office, to patronize the most disgraceful attempt ever made in this country by Royal caprice; and thus encounter the imminent peril of civil war. This is, indeed, the darkest spot in his history; and another is connected with it. He lost his head entirely when the people had defeated a body of the troops at the Queen's funeral; and is understood to have given orders for resorting to extremities—orders to which the cooler courage of the military commanders happily postponed their obedience.

The candour which he ever displayed in debate has been already marked. It was a part of the natural honesty of his character, which power had not

corrupted, and no eagerness of Parliamentary warfare could interrupt. His general worth as a man was always acknowledged; and this added very justly to the prevailing good opinion which he enjoyed among his countrymen, almost without distinction of party. It may be gathered from our former observations that we regard this good opinion to have been somewhat overdone; and that justice did not at all sanction the distribution of praise and of blame which the country made between him and his colleagues.

MR. TIERNEY.

AMONG the supporters of the Addington ministry, though never a member of it, was one who, far enough from filling a first-rate place among statesmen, was still farther from being an inconsiderable person in debate, where he had his own particular line, and in that eminently excelled—Mr. Tierney. He had been bred to the law, was called to the bar, and for a short time frequented the Western circuit, on which he succeeded Mr. Pitt in the office of Recorder, or keeper of the circuit books and funds; a situation filled by the youngest member of the profession on the several circuits each successive year. He soon, however, like his illustrious predecessor, left the hard and dull, and for many years cheerless path, which ends in the highest places in the State, and the most important functions of the Constitution; and devoted himself to the more inviting, but more thorny and even more precarious pursuit of politics; in which merit, if it never fails of earning fame and distinction, very often secures nothing more solid to its possessor; and which has the further disadvantage of leading to power, or to disappointment, according to the conduct or the caprice of others, as much as of the candidate himself. No man more than Mr. Tierney lived to experience the truth of this remark; and no man more constantly advised his younger friends to avoid the fascinations which concealed such snares and led to those rocks. In truth, no one had a better right to give this warning; for his talents were peculiarly fitted for the contentions of the legal profession, and must have secured him great eminence had he remained at the bar; but

they were accompanied with some defects which proved exceedingly injurious to his success as a statesman. He possessed sufficient industry to master any subject, and, until his health failed, to undergo any labour. His understanding was of that plain and solid description which wears well, and is always more at the command of its possessor than the brilliant qualities that dazzle the vulgar. To any extraordinary quickness of apprehension he laid no claim; but he saw with perfect clearness, and if he did not take a very wide range, yet, within his appointed scope, his ideas were strongly formed, and when he stated them, luminously expressed. Everything refined he habitually rejected; partly as above his comprehension, partly as beneath his regard; and he was wont to value the efforts of fancy still lower than the feats of subtilty; so that there was something extremely comical in witnessing the contrast of his homely and somewhat literal understanding with the imaginative nature of Erskine, when they chanced to meet in conversation. But if refinement and fancy, when tried upon him apart, met with this indifferent reception, their combination in anything romantic, especially when it was propounded as a guide of conduct, fared still worse at his hands; and if he ever found such views erected into a test or standard for deciding either on public or on private affairs, he was apt to treat the fabric rather as the work of an unsound mind, than as a structure to be seriously exposed and taken to pieces by argument.

Nevertheless, with all this shunning of fanciful matter, no one's mind was more accessible to groundless imaginations; provided they entered by one quarter, on which certainly lay his weak side as a politician. A man undeniably of cool personal courage; a debater of as unquestioned boldness and vigour—he was timid in council; always saw the gloomy side of things; could scarcely ever be induced to look at any other

aspect; and tormented both himself and others with endless doubts and difficulties, and apprehensions of events barely possible, as if in human affairs, from the crossing of a street to the governing of a kingdom, men were not compelled either to stand stock-still, or to expose themselves to innumerable risks,—acting, of course, only on probabilities, and these often not very high ones. It was a singular thing to observe how complete a change the same individual had undergone in passing from the consultation to the debate. The difference was not greater between Erskine out of Court and in his professional garb. He was firm in the line once taken, against which he had raised a host of objections, and around which he had thrown a cloud of doubts; he was as bold in meeting real enemies as he had been timid in conjuring up imaginary risks; prompt, vigorous, determined he carried on the debate; and he who in a distant view of it could only descry difficulties and create confusion, when the tug of war approached, and he came to close quarters, displayed an abundance of resources which astonished all who had been harassed with his hesitation, or confounded by his perplexities, or vexed with his apprehensions. He was now found to have no eyes but for the adversary whom his whole soul was bent upon meeting; nor any circumspection but for the possibility of a reply which he was resolved to cut off.

It is probable, however, that this defect in his character as a politician had greatly increased as he grew older. In early times he was among the more forward of the Reformers. When he quitted the bar he offered himself as candidate for several vacant seats, and was unsuccessful. He attended the debates at the East India House as a proprietor; and took an active part in them. He was an assiduous member of the 'Society of Friends of the People,' and drew up the much and justly celebrated petition in which that useful body laid before the House of Commons all the

more striking particulars of its defective title to the office of representing the people, which that House then, as now, but with far less reason, assumed. He contested the borough of Southwark more than once, and was seated ultimately in 1796, and by a Committee before which he conducted his own case with an ability so striking, that all who witnessed it at once augured most favourably of his prospects in the House, and confessed that his leaving the bar had alone prevented him from filling the highest place among the ornaments of Westminster Hall. In that contest, his acuteness, his plain and homely sense, his power of exposing a sophism, of ridiculing a refinement, shone conspicuous; and his inimitable manner,—a manner above all others suited to his style of speaking and thinking, and singularly calculated to affect a popular audience,—was added to the other qualities which he showed himself possessed of, and by which he won and kept hold of the committee's undivided attention.

His entry into the House of Commons was made at a sufficiently remarkable period of time. The Whig Opposition had just taken the most absurd and inconsistent, as well as most unjustifiable step which ever party or public men resorted to, in order to show the bitterness of their disappointment, to justify their enemies in deducing all their actions from selfish motives, and to lend the doctrine some plausibility which the enemies of all party connexion hold, when they deny its use and regard it as a mere association for interested purposes, not dictated by any public principle, but dressing itself falsely and fraudulently in that decent garb. They had retired or *seceded* from their attendance in Parliament, upon the very grounds which should have chained them faster to their seats; namely, that the Government was ruining the interests and trampling upon the liberties of the country; and that the people were not sufficiently alive to the situation of their own affairs. If anything could add to the

folly as well as impropriety of this measure, it was the incompleteness of the secession; for instead of leaving Parliament, and thus enabling the people to choose more faithful guardians of their interests, those men all retained their seats, kept fast hold of their personal privileges, and preserved the option of returning, upon any fitting or temporary occasion, to the places which they left empty but open. The Irish Parliament afforded, upon this occasion, one of the two instances of its superiority to our own, the only instances which the whole history of that bad and corrupt assembly presents.* The Opposition there, with Mr. Grattan at its head, vacated their seats and remained out of Parliament for some years. Strange that in the place where political purity was the most rare,—where true patriotism was ever at its lowest ebb,—where the whole machinery of corruption, all that men call jobbing and factious, was proverbially hereditary and constitutional,—and where it has always been so usual to expect as little correctness of reasoning as consistency and purity of conduct,—an example should have been afforded of just and rational conduct, and self-denial, upon the point of jobbing itself, which the patriots of England were neither wise enough nor disinterested enough to follow! This phenomenon, otherwise hard to be explained, is accounted for by the character of the illustrious man whom we have named as leader of the Irish Whigs.

The absence of the regular chiefs of the Opposition and their followers from Parliament gave Mr. Tierney a ready opening to distinction upon his entering the House of Commons;—an opening of which far less sagacity and resources than he possessed might have taken advantage. He became at once, and from the necessity of the case, in some sort the leader of Opposition. The subject to which he mainly directed himself was the financial department, but without at all

* The other was on the Regency, 1788-9.

confining his exertions to questions of this description. The clearness of his understanding, however, and his business-like habits, gave him a peculiar advantage upon such matters; and he retained his hold over it, and, as it were, an almost exclusive possession of it, during the whole of his Parliamentary life. It seems strange to look back upon the hands out of which he took this branch of Opposition business. Mr. Sheridan was the person to whom he succeeded, and who really may be admitted to have been, in every respect, as moderately qualified for performing it as any one of his great abilities could well be. But it must not be supposed that the secession of the regular party left all finance questions, or all questions of any kind, in the hands of him whom they considered as an officious unwelcome substitute, and affected to look down upon as an indifferent makeshift in the hands of the Ministers, ever ready to catch at any semblance of a regular opposing party, for the convenience which it affords in conducting the public business. When the Irish Rebellion, and still more when the Union, and soon after the failure of the Dutch Expedition, seemed to afford a chance of "doing something," they came down and joined in the debate. To Mr. Tierney was left the wearisome and painful but not unimportant duty of watching daily the proceedings of the Government, and of the House in which it now ruled with an absolute sway. Whatever was most irksome and laborious, most thankless and obscure in the drudgery of daily attendance, and the discomfiture of small divisions, fell to his share. It was only when the reward of such toils and vexations appeared in view, upon some great occasion presenting itself for assaulting a Minister invincible in Parliament, but defeated with discredit in his schemes, and assailing him with the support of the country as well as of fortune, that Mr. Tierney was quickly, nor yet very gently, put on one side, to make way for the greater men who

had been engaged in any pursuit rather than that of their country's favour, and doing any service but that which they owed to their constituents. With what front they could have offered themselves again to those constituents had a general election befallen them before some change had happened in their policy, it would be difficult to conjecture. But fortunately for them as for the country, the administration of Mr. Addington afforded a fair opportunity, perhaps a pretext, of which they were desirous, for resuming their attendance in Parliament; and no one has ever since, in a tone more audible than a whisper, ventured to mention the experiment of secession as among the ways and means for bettering the condition of a party. It must, however, be added, that when the Election of 1802 came, the people, by showing an entire forgetfulness of the greatest violation of public duty ever committed by their representatives, and never once mentioning the secession on any one occasion, exhibited an inconstancy and neglect of their own best interests, truly painful to those who deem them not only the object, but the origin of all political power; and who, moreover, hold it to be impossible that any power bestowed upon men can be well or safely exercised without a continuance of wholesome popular control. The comfort which we now have under this unpleasant recollection, is derived from an assurance that such never could be the case in the present times. No man, or class of men, dare now leave their Parliamentary post, without at the same time throwing up their delegated trust; and whoever should attempt to repeat the game of 1797 in our times, would find the doors of Parliament closed against him, should he be rash enough again to seek admission through any place having a real body of electors.*

* Ireland, as usual, affords an exception to this remark. Her people never think for themselves, being content to act as mere tools in the hands of a few leaders. Hence secession is safe to Irish members.

In the times of which we have been speaking, Mr. Tierney was one of those Whigs who, partly through hostility to Mr. Pitt, and partly from a sincere gratitude for the peace abroad, and the mild and constitutional government at home, obtained for the country by Mr. Addington, first supported, and afterwards formally joined that minister, upon his rupture with his patron and predecessor. It was unfortunate that Mr. Tierney should have taken office almost on the eve of his new leader committing as great an error, and as fatal, as ever could be imputed to his warlike adversary. Mr. Addington, having been joined by Mr. Tierney late in 1802, plunged the country, early in 1803, again into war: for reasons, which, if they had any force, should have prevented him from making peace the year before; and even if Napoleon was desirous of breaking the treaty, care was taken by the manner of the quarrel which we fastened upon him, to give him every appearance, in the eyes of the world, of having been reluctantly forced into a renewal of hostilities.

The removal of Mr. Tierney from the Opposition to the ministerial benches was not attended with any increase either of his weight in the country, or of his powers in debate. No man certainly had a right to charge him with any violation of party duty; for he had never been connected with the regular Whig Opposition, and had been treated upon all occasions with little respect by their leaders. Yet in his opinions he agreed with them; they had always professed the same principles upon those great questions, whether of foreign or domestic policy, which divided public men; and he was now in office with statesmen who only differed from those whom he had always opposed, in the inferiority of their capacity—in having done their patron's bidding by restoring peace and the Constitution, both of which he had suspended,—and in refusing to go out and let him in again when that

turn was served. There was little ground then for drawing any distinction between the two classes of Pittites; upon principle none; only a personal difference divided them; and to that difference Mr. Tierney was wholly a stranger, until he chose to take a part in it by taking office upon it. But, as has often happened to men who thus place themselves in what our French neighbours term "a false position," his weight in the House was not more remarkably lessened than his gift of debating was impaired. He never seemed to be thoroughly possessed of himself, or to feel at home, after taking his seat on the Treasury bench, among the Jenkinsons, the Bragges, the Yorkes, the Percevals, and the other supporters of Mr. Addington's somewhat feeble, though certainly very useful, administration. It was drolly said of the latter—in reference to the rather useless acquisition which he appeared to have made—that he resembled the worthy but not very acute lord who bought Punch. Upon more than one occasion, words of a graver character were heard from the great master of sarcasm to convey the same idea. When, in an attempt to defend the naval administration of the Government against Mr. Pitt's unmeasured attacks, their new champion, with signal infelicity, adventured upon some personal jeers* at their assailant's expense, the

* If we mention the nature of these attempts, it must be after a very distinct and peremptory protest against being understood to give them as samples of the humour, and indeed wit, in which Mr. Tierney peculiarly excelled—for they were exceptions to it, and were his only failures. He spoke of Mr. Pitt's motion as "smelling of a contract"—and even called him "The Right Hon. Shipwright"—in allusion to his proposal to build men-of-war in the merchant's yards. On one occasion he fell by a less illustrious hand, but yet the hand of a wit. When alluding to the difficulties the Foxites and Pittites had of passing over to join each other in attacking the Addington Ministry, Mr. Tierney (forgetting at the moment how easily he had himself overcome a like difficulty in joining that Ministry) alluded to the puzzle of the Fox and the Goose, and did not clearly expound his idea. Whereupon Mr. Dudley North said—"It's himself he means—who left the Fox to go over to the Goose, and put the bag of oats

latter remarked in very good humour, "That he had not found him quite so formidable an antagonist in his novel situation, though he nowise questioned his capacity for Ministerial exertions, and should wait until his infant aptitudes had expanded to their destined fulness." The overthrow of the Addington Ministry soon restored Mr. Tierney to the ranks of opposition; and his union with the Whigs afterwards became so complete, that he acted for some years after the death of Mr. Whitbread and Mr. Ponsonby as their real leader in the Commons; and during one session was installed formally as their chief.

The instances to which we have just adverted, may truly be said to be the only failures in Mr. Tierney's whole parliamentary career. For he was one of the surest and most equal speakers that ever mingled in debate; and his style of speaking was very enviable in this particular. It seemed so easy and so natural to the man as to be always completely at his command; depending on no happy and almost involuntary flights of fancy, or moods of mind, or any of the other incidents that effect and limit the inspirations of genius;—hardly even upon fire caught from an adversary's speech, or an accident in the debate, and which is wont to kindle the eloquence of the greater orators. Whoever heard him upon any occasion, had the impression that such he would be upon all; and that whenever he chose it, he could make as good a speech, and of the same kind. Nor was that excellence small, or that description of oratory contemptible. It was very effective at all times; at some times of great force indeed. His power of plain and lucid statement was not easily to be surpassed; and this served him in special stead upon questions of finance and trade, which he so often handled. His reasoning was equally plain and distinct. He was as argumentative a speaker

in his pocket." His failures are told in three lines; but a volume would not hold the successful efforts of his drollery both in debate and in society.

as any one could be who set so little value upon subtilty of all sorts; and who always greatly preferred the shorter roads towards a conclusion, to laboured ratiocination, and rather liked quick retorts suggested by the course of the discussion than anything elaborate or long. In these retorts, whether of allusion, or repartee, or personal attack, his excellence was very great. When occasion required it, he could rise into a strain of effective and striking declamation; and although never attempting any flight of a lofty kind, yet he never failed to reach whatever he aimed at. His wit, or his humour, or his drollery, it would be very difficult to describe—nor easy to say how it should be classed. Perhaps, of the three words we have used, in order to be sure of comprehending or hitting it, the second is the most appropriate. He had the great requisites of a powerful debater,—quickness in taking his ground and boldness in holding it; and could instantly perceive an enemy's weakness and his own course to take advantage of it. But we now speak of him when on his legs; for the defect in his character, of which we before made mention, followed him into the House of Commons, and he was wanting in decision and vigour there also, until he rose, when a new man seemed to stand before you.

It remains to be said, that no man's private character stood higher in all respects; and beside the most amiable domestic affections, he showed a very touching patience, and even cheerfulness, in sustaining the distressing attacks of the illness under which he laboured for many of the latter years of his life. He was of strictly religious habits, although without anything of either austerity or fanaticism; and is said to have left some devotional compositions, which prove how deeply impressed his mind was by the feelings connected with the most important of all subjects. It must not be forgotten, in speaking of Mr. Tierney's adherence to the liberal party, during their long and

all but hopeless exclusion from office, that he was neither sustained in his independent and honest course by any enthusiasm or fervour of character, nor placed in circumstances which made the emoluments of place indifferent to the comforts of his life. A person of his very moderate fortune, and plain, practical, even somewhat cold habits of thinking, upon questions which warm so many minds into the glow of romantic patriotism, has double merit in perseveringly discharging his public duties, and turning a deaf ear to all the allurements of power.

LORD ST. VINCENT—LORD NELSON.

As it is difficult to find a more correct representation of the Addington ministry than the noble person of whom we have recently been speaking,* so the popularity of that government was, like his, very much owing to the moderation of both its talents and its principles. After the somewhat violent and overbearing, as well as warlike and arbitrary administration of Mr. Pitt, they who both made peace with France, composed the internal dissensions of the country, and restored its free constitution, presented at the same time to its confidence only second-rate genius in every department save two;—a genius diluted and lowered to the moderate standard which perhaps best suits the public taste. These two exceptions were the Law and the Navy. Of Lord Eldon we have already spoken; the present sketches would be imperfect if Lord St. Vincent were passed over in silence; for he was almost as distinguished among the statesmen as the warriors of his age.

This great captain, indeed, presented a union as rare as it was admirable, of the brightest qualities which can adorn both civil and military life. He early distinguished himself in the naval profession; and was associated with Wolfe in those operations against Quebec, which crowned our arms with imperishable glory, and loaded our policy with a burden not yet shaken off, though, as Lord St. Vincent early foresaw, becoming every day more difficult to bear. An action which he soon after fought with the Foudroyant line-

* Lord Liverpool.

of-battle ship, was the most extraordinary display of both valour and skill witnessed in that war, so fertile in great exploits; and it at once raised his renown to the highest pitch. The peace then came; and it was succeeded by a war, the only one in which the fleets of England reaped no laurels; until, just before its close, the bravery and seamanship of Rodney retrieved our naval honour. For near twenty years Sir John Jervis was thus unemployed; and in part this neglect must certainly be ascribed to the side in politics which he took,—being a Whig of Lord Shelburne's school,—highly prized and unreservedly trusted by that able, sagacious, and consistent statesman; than whom none ever entered into the combats of public life with an ampler provision of combined capacity and information, and none ever sustained the useful part which he acted, with more unsullied honour. This tribute to truth and justice is due from Whigs to one whom it suited the policy of 1783 to run down by every species of slander, partly in the prose of pamphlets, partly in the verse of pasquinades, partly in the mixed fiction and prose of speeches,—merely because, not belonging to the party, he was audacious enough to act for himself, instead of making himself a tool of those who boasted that they never had confided in him, at the moment they were complaining of his deserting their councils.

While Sir John Jervis remained during this long and eventful period on shore, and unemployed in any branch of the public service, he accomplished himself by constant reading, by much reflection, by the intercourse in which he ever delighted with men of learning and talents, as a statesman of profound views, and of penetration hardly equalled by that of any other man in his time. His natural acuteness no obstacle could impede; his shrewdness was never to be lulled asleep; his sagacity no man ever found at fault; while his provident anticipations of future events seemed

often beyond the reach of human penetration. We shall give a remarkable example of this in a matter of deep interest at the present moment.* When Lord Shelburne's peace (1783) was signed, and before the terms were made public, he sent for the Admiral, and, showing them, asked his opinion. "I like them very well," said he, "but there is a great omission." "In what?" "In leaving Canada as a British province." "How could we possibly give it up?" inquired Lord Shelburne. "How can you hope to keep it?" replied the veteran warrior. "With an English republic just established in the sight of Canada, and with a population of a handful of English settled among a body of hereditary Frenchmen.—It is impossible; and rely on it you only retain a running sore, the source of endless disquiet and expense." "Would the country bear it? Have you forgotten Wolfe and Quebec?" asked his Lordship. "Forgotten Wolfe and Quebec! No; it is because I remember both. I served with Wolfe at Quebec; having lived so long, I have had full time for reflection on this matter; and my clear opinion is, that if this fair occasion for giving up Canada is neglected, nothing but difficulty, in either keeping or resigning it will ever after be known."—We give the substance of this remarkable conversation as we have it from more sources of information than one; and the recollection of the parties is confirmed by the tone of the Earl's letters in 1813, which we have seen. There was no question of a surrender; but he plainly shows the greatest distrust of our being suffered to retain the colony.

When the war broke out in 1793, Admiral Jervis was soon employed on the Mediterranean and Lisbon stations. What wonders he effected with an inadequate force are well known to the profession. All the world is aware of his glorious victory over the Spanish fleet,

* This was written during the Canada Debates, in 1838.

in February, 1797, when he defeated an enemy of nearly three times his force. Nor is there any one who has not heard of the steady determination of purpose, so characteristic of the man, by which his fleet was made ready to sail from the Tagus in as many hours as all but himself said days would be required for the preparation, after overland advices had arrived at Lisbon of the enemy having put to sea. But the consummate vigour and wisdom of his proceedings during the dreadful period of the Mutiny are no less a theme of wonder and of praise. It was the practice to despatch mutinous vessels to serve under his orders, and he soon, by his masterly operations of combined mercy and justice, reduced them to order, restoring discipline by such examples as should be most striking, without being more numerous than absolute necessity required. The humane ingenuity of his contrivance, to make one execution produce the effect of many, by ordering it on an unusual day (Sunday morning), is well known. His prompt measures of needful, and no more than the needful severity, were as effectual to quell a formidable mutiny which broke out in the fleet that had just returned from foreign service, and was suddenly ordered to the West Indies to watch the French expedition there. The revolt was at once subdued; the fleet set sail; and there never again was heard the whisper of discontent respecting the painful disappointment to which the men were thus subjected.

When the Addington ministry was formed, he was placed at the head of the Admiralty; and now shone forth in all its lustre that great capacity for affairs with which he was endued by nature, and which ample experience of men, habits of command, and an extended life of deep reflection had matured. He laid the foundation of a system of economical administration which has since been extended from the navy to all the departments of the state. But it was bottomed on a searching scrutiny into the abuses of the existing

system. The celebrated "Commission of Naval Inquiry" was his own work, and it both led to numberless discoveries of abuse and extravagance, and gave the example to all the similar inquiries which soon after followed. It did more: it introduced the whole subject of Economical Reform, and made it become, both in and out of Parliament, the principal object for many years of all our patriotic statesmen;—an object which alone they carried through in spite of those ministerial majorities, omnipotent upon every other controversy among the parties in Parliament. It is impossible to calculate what would have been the saving effected to the revenues of this country had Lord St. Vincent presided over any great department of national affairs from the beginning of the war, instead of coming to our assistance after its close. But in proportion to his services in this line of reformation, was the clamour which his operations excited against him. His unsparing rigour, his inflexible justice, his fixed determination to expose delinquents how high soever—to dispense with useless services, how many hands soever might be flung out of the superfluous and costly employment,—raised against this great and honest statesman a host of enemies, numerous in exact proportion to the magnitude of the objects he had in view, exasperated in proportion to the unjust gains of which he was depriving them: in other words, the hostility to which he was exposed was in an exact proportion to his merits. Nor did the gratitude of the country, whom his courage and disinterestedness was thus serving so essentially, at all keep pace with the great benefits which he bestowed. The spirit of faction interposed with its baleful influence; and when the Pitt and the Fox parties combined to forget their animosities, for the purpose of unseating Mr. Addington, the ground chosen by the new allies upon which to celebrate their union, and to commence their joint operations, was an attack upon the naval administra-

tion of the only great man whom the ministers could boast of having among their number;—the illustrious warrior who, after defeating the enemies of his country by his arms, had waged a yet more successful war against her internal foes by his vigour as a reformer, his irreconcilable enmity to all abuses, and his resistless energy in putting them down.

It is hardly necessary to add, that of eloquence, or debating power, Lord St. Vincent had nothing whatever; nor to such accomplishments did he lay any claim. Indeed he held the arts of rhetoric in supreme contempt; always contenting himself with delivering his own opinion when required, in the plainest language—and often expressing what he felt in sufficiently unceremonious terms. Not that he had anything at all of the roughness often found in the members of the naval profession. On the contrary, his manners were those of a highly polished gentleman; and no man had more of the finished courtier in all his outward appearance and demeanour. His extreme courtesy, his admirable address in managing men, the delicacy with which he could convey his pleasure to inferiors, or his dissent to equals, or his remonstrances to superiors, being the external covering of as firm a determination as ever guided a human being, were truly remarkable; and gained for him with persons of superficial observation, or imperfectly acquainted with his character, the reputation of being cunning and insincere; when, in truth, it only arose from a good-natured desire of giving as little needless uneasiness as possible, and raising as few difficulties as he could upon matters foreign to his main purpose. When he went to the Tagus at the head of the expedition and the Commission in 1806, the object being, in case Portugal proved indefensible against the threatened French invasion, to make the royal family and principal nobility transfer the seat of government to the Brazils, the proceedings of this

Chief, in his two-fold capacity of captain and statesman, were justly remarked for the great talents and address which they exhibited. Being then under him officially, I had ample opportunity of observing his prowess, and of estimating his powers. He began by cutting off all communication between his fleet and the land; this he effected by proclaiming an eight days' quarantine. His colleagues in the Commission having joined him, he still prevented his officers and men from landing, but threw open all his ships to the natives of the place, whose multitudes never ceased pouring through those gallant vessels, lost in admiration of their beauty, their resistless force, and the perfect discipline of their crews. With the court his intercourse now began; and the terror of his name, even without his armament, would there have made him supreme. The reluctance to remove was, of course, universal and deep-rooted; nor could any arrangement which the expected invader might offer prove less palatable than expatriation and banishment for life across the Atlantic to pampered voluptuaries, the extent of whose excursions had hitherto been the distance between the town and the country palace. But he arranged everything for their voyage; and he was quite ready to compel their embarkation. His plan would have exposed his own person to some danger, but would have required no application of military force, if nothing was attempted against the fleet. It seemed to have been borrowed from the celebrated seizure by Cortez of the emperor Montezuma's person, in his capital of Mexico; and the very few to whom he communicated it, and of whom I was one, while struck with the boldness of the design, saw that it was as happy as it was bold, and had no doubt whatever of its perfect success.

Although I have noted his contempt for the artifices of oratory, it is remarkable that some of his most intimate friends were those who chiefly owed

their renown to its practice. Among these was Lord Erskine; and he enjoyed the friendship of Mr. Fox and Lord Grey. But he made a great difference between the eloquence of the senate and the bar—a difference not perhaps marked by his accustomed sagacity and liberal views, yet sufficiently easy to account for. Parliamentary speaking he regarded as mere talk." He saw the noblest exertions of the orator, "and also the speeches of longest duration (a circumstance much fitted to rouse his impatience), and, as he phrased it, in wind. The decision came, which he reckoned the result of the battle, and he could trace no connexion between that and the preceding debate. Hence he deemed the whole "nonsense," "a farce," "a child's play;" without reflecting that in the long run discussion produces, directly or indirectly, its effect, as he probably would have perceived had he viewed the scene from what he would call "a safe distance;"—that is, so far off as not to have his early hours interfered with, and his patience assailed by length of speech. The trial of causes he viewed with other eyes. *That* he considered as business—as acting and not talking; and, having the highest admiration for the skill of an advocate, there was no society in which he delighted so much as that of the bar. To hear his acute and even profound remarks upon the conduct of a cause, and the play of adverse counsel, every point of which, to the most minute and technical, he clearly comprehended and highly relished, was one of the things that impressed the listener with the greatest opinion of his extraordinary capacity. He viewed it as a fine operation of attack and defence; and he often said that there was nothing which he ever more regretted than not having been able to attend the proceedings in the Queen's case.

In recounting the triumphs of his military genius, I have not adverted to the extraordinary promptitude and powers of combination which he displayed, when

he equipped the finest expedition that ever was detached from a fleet, and sent it under Nelson up the Mediterranean. That illustrious hero always acknowledged, with the most affectionate gratitude, how much his victory of the Nile was owing to this grand operation of his chief, for whom he felt and ever testified the most profound veneration. Nor was anything ever more disgustful to his truly noble and generous nature, than the attempts of that tribe, the worst kind of enemies, (*pessimum inimicorum genus, laudatores,*)—the mean parasites who would pay their court to himself by overrating his services at St. Vincent in 1797, and ascribing to him the glory of that memorable day. Their affection became thus grounded upon thorough knowledge of each other's merits, and the admiration which these commanded was mutual; nor did the survivor once omit an opportunity of testifying the love he bore his illustrious friend, and his grief for the blow which took him from his country. On board his flag-ship, on all those great occasions when he entertained his numerous followers, Nelson's *Dirge* was solemnly performed while they yet surrounded the table; and it was not difficult to perceive, as I well remember, that the great warrior's usual contempt for displays of feeling here forsook him, and yielded to the impulse of nature and of friendship.

So little effect on exalted spirits have the grovelling arts of little souls! He knew all the while, how attempts had been made by Lord Nelson's flatterers to set him up as the true hero of the Fourteenth of February; but never for an instant did those feelings towards Nelson cross his mind, by which inferior natures would have been swayed. In spite of all such invidious arts, he magnanimously sent him to Aboukir; and, by unparalleled exertions, which Jervis alone could make, armed him with the means of eclipsing his own fame. The mind of the historian, weary with recounting the deeds of human baseness, and mortified with

contemplating the frailties of illustrious men, gathers a soothing refreshment from such scenes as these; where kindred genius, exciting only mutual admiration and honest rivalry, gives birth to no feeling of jealousy or envy, and the character which stamps real greatness is found in the genuine value and native splendour of the mass, as well as in the outward beauty of the die; the highest talents sustained by the purest virtue; the capacity of the statesman, and the valour of the hero, outshone by the magnanimous heart, which beats only to the measures of generosity and of justice.

Nor let it be deemed any abatement of this praise, if the undeniable truth be stated, that no two men in the same professional career, and both of consummate excellence, ever offered more points of marked diversity in all the particulars which distinguish character and signalize the kinds of human genius. Alike in courage, except that the valour of the one was more buoyant, more constitutional—of the other, more the steady result of reflection, and the produce of many great qualities combined, than the mere mode of temperament;—alike without any difference whatever in that far higher quality, moral courage, and political, which is the highest pitch of it; alike in perfect nautical skill, the result of talents matured by ample experience, and of the sound judgment which never disdains the most trifling details, but holds nothing trivial connected with an important subject;—yet, even in their professional abilities, these great captains differed: for the more stern mind of the one made him a severe disciplinarian, while the amiable nature of the other seduced him into an habitual relaxation of rules whose rigorous enforcement galled, if it did not wound, his kindlier feelings. Not that either Jervis stooped to the fopperies by which some little minds render the service entrusted to their hands as ridiculous as themselves; or that Nelson failed to exact strict compliance

with rules, wherever their infraction would be manifestly hurtful: but the habits of the two men upon ordinary occasions were opposite, and might be plainly seen by an inspection of the ships that bore their flags. So, too, Nelson was unequal to the far-seeing preparation and unshaken stedfastness of purpose required to sustain a long-continued operation; and would, therefore, ill have borne the monotony of a blockade, such as that which kept Collingwood for years on shipboard, or that which Jervis maintained off Brest with the Channel fleet. It is also undeniable, that, although nothing could exceed the beauty and perfect fitness of his dispositions for action when the whole operations were reduced to their ultimate point, yet he could not, like Jervis, have formed the plan of a naval campaign; or combined all the operations over a large range of coast and sea, making each part support the other, while all conduced to the main purpose. Thus, too, it may be doubted if St. Vincent would have displayed that sudden, almost intuitive promptitude of decision, the result more of an ardent soul than a penetrating sagacity, which led Nelson to his marvellous course from the old world to the new in 1805; when he in an instant discovered that the French fleet had sailed to the West Indies, and having crossed the Atlantic in chase of them, again discovered that they had returned; and appeared in Europe almost as soon as the enemy arrived, whom the mere terror of his tremendous name had driven before him from hemisphere to hemisphere. That the movements of his illustrious master would have been as rapid, and his decision as prompt, had the conjecture impressed itself on his mind with the same force, none can doubt; and it may be further admitted, that such a peremptory will as the latter showed—such a fixed resolution to be obeyed,—such an obdurate, inflexible, unteachable ignorance of the word "impossible," when any preparation was to be made,—formed no part of Nelson's character; although

he showed his master's profound and crass ignorance of that word—the mother tongue of little souls—when any mighty feat was to be done, such as souls like these cannot rise to comprehend. He who fought the great fight with the Foudroyant, would have engaged his Spanish first-rates, had his flag off St. Vincent floated like Nelson's over a seventy-four; but Nelson could not have put to sea in time for intercepting the Spanish fleet, any more than he could have cured or quelled the mutinous contagion which infected and distracted Jervis's crews on the eve of the action.

If, even in a military view, these great warriors thus differed, in all other respects they are rather to be contrasted than compared. While it was hard to tell whether Jervis excelled most in or out of his profession, Nelson was nothing on shore—nay, had weaknesses, which made the sea air as necessary, if not to his mental condition, at least to his renown, as it is to the bodily health of some invalids. The great mind of the one was the natural ally of pride; the simpler nature of the other became an easy prey to vanity. Nelson felt so acutely the delight of being loved and admired by all—for to all he was kind himself,—that he could not either indulge in it with moderation, or conceal it from the world. Severely great, retiring within himself, occupied with his own reflections, Jervis disregarded the opinion of those whom he felt destined to command; and only descended to gain men's favour that he might avail himself of their co-operation, which he swiftly converted into service. While Nelson thought aloud, Jervis's words were little apt to betray the feelings that ruled, or the meditations that occupied his mind. The one was great only in action; the other combined in a rare, perhaps an unexampled manner, all the noble qualities which make council vigorous and comprehensive, with those which render execution prompt and sure. In the different temper of the men's minds, you could easily tell that the one would be

generally popular, from the devotion which the multitude always pay to brilliant valour, and the affection which a gentle, kind, and innocent nature is calculated to win; while the other, with courage as undaunted, though eclipsed by greater and rarer qualities, stood too far removed from the weaknesses of ordinary men to appear in such an amiable light; and by the extent of his capacity and his habits of command, secured the respectful submission of others more than he won their love. Yet, while of Nelson it was justly said that no serious breach of discipline was ever overlooked by him; of Jervis it was as truly observed, that all good officers—all men employed under him, whether in civil or military service—spoke of him as they felt, with admiration of his genius approaching to enthusiasm; although the followers of his illustrious friend adored their idol with yet more fervent devotion. In his political opinions, this great commander was liberal and free, ever preferring the humane and enlightened side; and though loyally attached to the constitution of his country, yet careless what offence he might give to existing rulers by the unrestrained openness of his sentiments upon public affairs. Accordingly, he was even less a favourite with George III. and his court, than his great master, whose party was always opposed to that narrowminded and bigoted prince.

It is truly painful to fling in that shade, without which this comparative sketch would lose all likeness to its original. The conduct of Lord St. Vincent was always high and decorous; and although he had a singular aversion to cant of any kind, nor to any more than that of an overdone and pharisaical morality, he never lowered, in his own person, the standard of private any more than of public virtue; wisely holding all conspicuous men as trustees for the character of the people, and in some sort representatives of the people's virtues. Lord Nelson, in an unhappy moment, suffered himself to fall into the snares laid for his honour by

regal craft, and baited with fascinating female charms. But for this, he might have defied all the malice of his enemies, whether at sea or on shore, in the navy or at the court; because nothing is more true than that great merit is safe from all enemies save one—safe and secure, so its possessor will only not join its foes. Unhappily, he formed this inauspicious junction, and the alliance was fatal to his fame. Seduced by the profligate arts of one woman, and the perilous fascinations of another, he lent himself to a proceeding deformed by the blackest colours of treachery and of murder. A temporary aberration of mind can explain though not excuse this dismal period of his history.

The sacred interests of truth and of virtue forbid us to leave the veil over these afflicting scenes undrawn. But having once lifted it up, on seeing that it lays bare the failings of Nelson, we may be suffered to let it drop over a picture far too sad to dwell upon, even for a moment!*

* The publication by Sir Harris Nicolas of the 'Nelson Correspondence' is most valuable. It gives, however, no contradiction to the received opinion of his misconduct in Sicily: on the contrary, it proves him to have been guilty of a great and wilful disobedience to orders through the Queen's intercession.

LORD KING—MR. HORNER—MR. RICARDO.

THE history of George III.'s long and eventful reign presents to us no one domestic event so important in its consequences, both immediate and remote, as the rash and hazardous tampering with the currency, first by Mr. Pitt, under the pressure of the pecuniary embarrassments which the war had occasioned, and next by the Liverpool ministry and the Whigs in their joint determination to restore the standard suddenly and without compromise.

In 1797, the Bank of England was found to labour under extreme difficulties, from the export of bullion, the state of trade generally, and the financial demands of a Government which was borrowing millions yearly to fill the devouring gulf of war expenditure, and to subsidize half the continental powers. It was perceived that either the war or the bank must stop, and the latter alternative was chosen, when Mr. Pitt's anxious hopes of peace were frustrated by France. An Order in Council was issued to prohibit it from paying in specie; an Act was passed to sanction this order, and enable country banks to pay in Bank of England paper; and the slaves of the Government, through the press and in Parliament, contended for five long years that this stoppage had no tendency to depreciate bank notes, and had no tendency to increase their issue! That the over issue, and consequently the depreciation, was for some years extremely inconsiderable is certain; but these talkers, reasoners they cannot be termed, denied even the tendency of the

suspension to cause either over-issue or depreciation, and affirmed that both were wholly impossible.

In 1803, Lord King, caring little now for the argument of tendency, demonstrated by the plainest evidence of facts, that the depreciation had actually taken place; indeed the market price of gold having risen above its mint price, distinctly proved it; and the only wonder is, that Mr. Thornton and Mr. Horner should not, in discussing the subject the year before, have come to the same conclusion.

It was not in the nature of this depreciation to stop, while its cause continued to operate. Mr. Pitt and his supporters, of course, denied it. He who, from his sanguine nature, had refused to believe in the existence of the army assembled at Dijon in 1800, and charged with disaffection a respectable mercantile man for writing to his London correspondent that this force was about to cross the Alps, and who never would listen to any account of it until it had destroyed the power of Austria at Marengo, might well be expected to shut his eyes against all the facts from Change-alley, and all the arguments of Lord King, to show that he had intruded into the country a debased currency, when he banished all gold from its circulation. But the transactors of traffic all over the world were as deaf to the charmer of the senate, as he was blind to the facts before his eyes; and the bank-note soon fell to the price of 17*s.* and 18*s.* for a pound. Lord Grenville, to his great honour, was the first among the authors of the mischievous policy of 1797 to perceive its consequences, and through the rest of his life he was the man who most deeply regretted it.

In 1811, this evil had gone on to such a length, that the market price of gold rose from the mint price of 3*l.* 17*s.* 10½*d.* to as high as 5*l.* 8*s.*, and at one moment it even reached 5*l.* 11*s.*, amounting to 42 per cent. of rise, and corresponding to an equal depreciation; so that the pound-note was at this time sunk to

about 14*s.* value in specie. Accordingly, a regular traffic was carried on in this article; guineas and silver were bought and sold at this premium, and bank-notes were take at this discount.

This was the time chosen by the House of Commons for voting, by a great majority, a resolution that the bank-note was worth twenty shillings, or that a guinea in gold was worth a pound-note and a shilling, and, with admirable consistency, to pass a law making it a misdemeanor to give more or less! There was but one farther step for such a body to take, and that was to declare, that two and two are equal to six, and to imprison any one who reckoned differently.

In spite of this gross and revolting absurdity, without any parallel in the history of deliberative bodies, and only to be matched in the annals of pampered despots mad with the enjoyment of power, the depreciation continued; the gold was wholly excluded from circulation; all that the mint coined was instantly exported; neither debtors nor creditors knew how to reckon, and no man could tell the value of his property. In truth, the havoc which the depreciation had made with all the dealings of men was incalculable. Those who had lent their money when the currency was at par, were compelled to receive the depreciated money in payment, and thus to lose 30 or 40 per cent. of their capital. Those who had let land or houses on lease, must take so much less rent than they had stipulated to receive. Above all, those who had lent their money to the country were obliged to take two-thirds only of the interest for which they had bargained, and were liable to be paid off with two-thirds of the principal. Any considerable fluctuation in the money circulation ever produces habits of gambling and extravagance; and all the mercantile transactions of the community, as well as all its private concerns, assumed this complexion, to which the wicked and absurd policy of the Orders in

Council, another consequence of the war, greatly contributed, by destroying the regular and respectable mercantile dealings of the country, and introducing a clandestine, contraband system, with the avowed intention of defeating the enemy's decrees against our trade, but also in order to mitigate under hand the pressure of our own retaliating measures.

At length the attention of Parliament, chiefly through the press, was awakened to the state of our affairs. The labours of the Bullion Committee under Mr. Horner, aided by Mr. Thornton and Sir H. Parnell, had opened all men's eyes to the fact of the depreciation. It was in vain that the incredible resolution of the same year, and, shameful to relate, passed three months after the debate in which Mr. Canning's inimitable speech had demonstrated the whole propositions of the subject, was cited against the over-issue, and its inevitable consequences. The Government at length saw that something must be done to stop the depreciation of the bank paper, and to restore the standard; and the only argument for delay was the necessity of continuing the war expenditure—one of the most urgent reasons, certainly, for instantly applying a remedy to the enormous evil.

At length the Government of Lord Liverpool, under the influence of Mr. Peel, who was one of its most powerful supporters though not then in office, undertook the settlement of the question; and a committee was appointed, which, after a full investigation of the subject, reported in favour of an unqualified resumption of cash payments. Mr. Ricardo, not yet a Member of Parliament, but who had, by his able writings upon the question, contributed more than any one, except Lord King and Mr. Horner, to establish the fact of depreciation, had a great influence upon the decision of the Committee and the plan adopted by it for restoring the standard. Mr. Peel, being chairman of the Committee, brought in the Bill, which was warmly supported by the Whigs, they claiming a kind of pecu-

liar property in the question, from the support which they had always given to Lord King and Mr. Horner.

The sudden return to specie had of course this inevitable consequence, that all debts contracted during the depreciation in the depreciated currency were now payable in good money at par; so that if any one had borrowed a thousand pounds during the last ten years, he had now to pay thirteen hundred. And so of all time bargains; tenants had their rents raised in the same proportion, and the country, the great borrower of all, became liable to pay one hundred pounds for every seventy which it had borrowed. The effect produced upon all prices was equally considerable, but was not so pernicious to the country. The case of landowners was, on the whole, the hardest. They had laid out money in purchases, or in improvements, and had generally borrowed a large portion of the sums thus expended. All prices were now reduced, and they were liable to pay their creditors twenty shillings for ever fourteen or fifteen they had borrowed. The result was, that a considerable body of these unfortunate men were now left without enough to pay their creditors, and some of the class had even lost their whole income. It is fit to consider these things when so great a dissatisfaction is felt with their opposition to a repeal of the Corn Laws.

There are very many reflecting persons who now deeply lament the course which the Government and the Opposition combined together to pursue in 1819. The argument, that prices were only affected in proportion to the difference between the market and the mint prices of gold at the period of greatest depreciation, seemed unsatisfactory, because those prices having risen during the depreciation in a greater proportion than the difference, it seemed reasonable to expect that this difference would not be the measure of the fall which the resumption of cash payments might occasion. However, one thing was certain,

that no regard was shown in the great and sudden, and somewhat violent, measure of 1819, to the case of all borrowers during the depreciation, including the state itself, and that it was anything rather than a proof of relief being extended, or evidence of justice being done to the borrowers between 1810 and 1820, that the lenders between 1790 and 1800, who had been paid off between 1810 and 1820, had been severe sufferers by the depreciation of the currency they were paid in. If the two bodies of borrowers and lenders had continued the same all along, the argument would have been unanswerable. In the actual case it was a gross absurdity; for it was assuming that one man might be fairly obliged to pay twenty shillings for every fourteen he had borrowed, because another man had been paid only fourteen shillings for every twenty he had lent.

Any account of George III.'s reign would be most imperfect which did not dwell upon this important part of it; and in order to complete the view of those statesmen who directed the public affairs during the same period, it is necessary that the eminent individuals should be commemorated, who, having borne the principal share in the controversy respecting the depreciation, may be considered as the guides of the sounder policy which led to a restored currency, although the manner of effecting the restoration is liable to much and just objection.

Mr. Horner having entered public life without any advantage of rank or fortune, though of a respectable family, had, in a very short time, raised himself to a high place among the members of the Whig party (to which he was attached alike from sincere conviction, and from private friendship with its chiefs), by the effect of a most honourable and virtuous character in private life, a steady adherence to moderate opinions in politics, talents of a high order, and information at once accurate and extensive upon all subjects con-

nected with state affairs. Not that his studies had been confined to these; for his education, chiefly at Edinburgh, had been most liberal, and had put him in possession of far more knowledge upon the subjects of general philosophy, than falls to the lot of most English statesmen. All the departments of moral science he had cultivated in an especial manner; and he was well grounded in the exacter sciences, although he had not pursued these with the same assiduity, or to any considerable extent. The profession of the law, which he followed, rather disciplined his mind than distracted it from the more attractive and elegant pursuits of literary leisure, for he had no success at the bar; and his taste, the guide and control of eloquence, was manly and chaste, erring on the safer side of fastidiousness. Accordingly, when he joined his party in Parliament, his oratory was of a kind which never failed to produce a great effect, and he only did not reach the higher places among debaters, because he was cut off prematurely, while steadily advancing upon the former successes of his career. For although in the House of Commons he had never given the reins to his imagination, and had rather confined himself to powerful argument and luminous statement than indulged in declamation, they who knew him, and had heard him in other debates, were aware of his powers as a declaimer, and expected the day which should see him shining also in the more ornamental parts of oratory.

The great question of the Currency had been thoroughly studied by him at an early period of life, when the writings of Mr. Henry Thornton and Lord King first opened men's eyes to the depreciation which Mr. Pitt's ill-starred policy had occasioned. With the former he had partaken of the doubts by which his work left the question overcast in 1802; the admirable and indeed decisive demonstration of the latter in the next year, entirely removed those doubts; and Mr.

Horner, following up the able paper upon the subject which he had contributed to the *Edinburgh Review* at its first appearance, with a second upon Lord King's work, avowed his conversion, and joined most powerfully with those who asserted that the currency had been depreciated, and the metallic money displaced by the inconvertible Bank paper. In 1810, he moved for that famous Bullion Committee, whose labours left no doubt upon the matter in the minds of any rational person endowed with even a tolerable clearness of understanding; and the two speeches which he made, upon moving his resolutions the year after, may justly be regarded as finished models of eloquence applied to such subjects. The fame which they acquired for him was great, solid, lasting; and though they might be surpassed, they were certainly not eclipsed, by the wonderful resources of close argument, profound knowledge, and brilliant oratory, which Mr. Canning brought to bear upon the question, and of which no one more constantly or more amply than Mr. Horner acknowledged the transcendent merits.

When the subject of the Holy Alliance was brought forward by Mr. Brougham, early in the session of 1816, Mr. Horner, who had greatly distinguished himself on all the questions connected with what the Ministers pleasantly called "the final settlement of Europe," during the absence of the former from Parliament, was now found honestly standing by his friend, and almost alone of the regular Whig party declaring his belief in the deep-laid conspiracy, which the hypocritical phrases and specious pretences of the Allies were spread out to cover. The part he took in the debate to which the treaties gave rise, showed that there was no portion of the famous arrangements made at Vienna, to which he had not sedulously and successfully directed his attention. His speech on that occasion was admitted to be one of the best ever

delivered in Parliament; and it was truly refreshing to hear questions of Foreign Policy, usually discussed with the superficial knowledge, the narrow and confused views to be expected in the production of ephemeral pens, now treated with a depth of calm reflection, an enlarged perception of complicated relations, and a provident forethought of consequences, only exceeded by the spirit of freedom and justice which animated the whole discourse, and the luminous clearness of statement which made its drift plain to every hearer.

But this able, accomplished, and excellent person was now approaching the term assigned to his useful and honourable course by the mysterious dispensations under which the world is ruled. A complication of extraordinary maladies soon afterwards precluded all further exertion, and, first confining his attention to the care of his health, before a year was over from the date of his last brilliant display, brought him deeply and universally lamented to an untimely grave.*

> "Ostendent terris hunc tantum fata, neque ultra
> Esse sinent. Nimium vobis Romana propago
> Visa potens, Superi, propria hæc si dona fuissent!"

When the new writ was moved, on his decease, for the borough of St. Mawes, which he represented under the liberal and enlightened patronage of the Buckingham family, Lord Morpeth† gave a striking sketch of

* It deserves to be noted, as a marvellous instance of that truly learned conjecture by which the skill of Dr. Baillie was distinguished, that after many other physicians had severally given their opinions on the nature of Mr. Horner's hidden complaints, Dr. Baillie at once decided against all their theories; but, when he came to propose his own, avowed the extreme uncertainty in which so obscure and difficult a case had left him. However, he said that he guessed it was one or the other of two maladies so rare that he had only seen a case or two of the one, and the other never but in a museum of morbid anatomy. When the body was opened by Vacca at Pisa, where he died, it was found that both those rare diseases existed in the system.

† Now Lord Carlisle

his character. Mr Canning, Sir S. Romilly, Mr. W. Elliott, and others, joined in the conversation, and Mr. H. Lascelles* observed, with universal assent, that if the form of the proceeding could have admitted of a question being put upon Mr. Horner's merits, there would not have been heard one dissentient voice.

To Lord King was due the detection and the proof of the effects actually produced by the fatal bank restriction, as has already been stated; and the excellent individual who rendered so great a service to his country, was distinguished for qualities of a very high order. To a strong natural understanding, which eminently excelled in clearness of perception and quickness of apprehension, he joined habits of study seldom found in the patrician order, but which, as well as his sound and enlightened principles, might well be expected in one who had the glory of descending from the second of English philosophers; for he was the personal representative of Locke,—his grandfather, the Lord Chancellor King, having been the nephew and ward of that illustrious person. Although he had far too little ambition, too little thirst for power or for literary fame, ever to exert his talents in anything like their full extent, he had passed his life in reading, with little other object than to occupy his time agreeably and to improve his mind. His information, therefore, was extensive and accurate; with most parts of historical, philosophical, and theological controversy, he was familiarly conversant; and he had gathered from all his studies and all his reflections, a firm belief in the title of the people to as large a portion of liberty and of power as they are capable of enjoying with advantage to themselves; a deeply rooted conviction of the sinfulness as well as the folly of intolerance, religious or civil; and an habitual veneration for the

* Afterwards Lord Harewood.

pursuit of truth and truth alone, in all inquiries whether practical or speculative. In following this worthy object he was as little to be daunted by perils in action as to be scared by consequences in argument. Difficulties had more influence over him by far than dangers; for though he was of an active turn of mind, and applied himself to his favourite pursuits, whether of agriculture or study, with assiduity; yet as he had no no great stimulus from ambition and none from vanity, he cared little to struggle with what cost trouble, as long as he could occupy himself equally in easier pursuits. The firmness with which he stood up on all occasions for his principles, the great doctrines of civil and religious liberty, would have done honour to the saints and martyrs of the seventeenth century. The offence which he gave by his warfare with ecclesiastical establishments never abated his hostility. Superficial men fancied they saw in this course an indication of indifference to religion itself; whereas, one of his chief reasons for objecting to a state endowment, was its tendency to undermine religion, as he thought, whether rightly or erroneously, and its liability to be perverted into an engine against the liberties of the country.

With the solid qualities which have been described, he possessed others of a lighter kind, and to the more valuable acquirements of extensive study, he added several of the more trivial but more elegant accomplishments. He had a keen sense of the ludicrous: his taste in composition was pure; his style natural, simple, and clear. Nothing can be more admirably written than his celebrated Tract on the Currency; of which the philosophy, too, is as excellent as the argument and the inferences are practical. He had an excellent taste in gardening and in architecture, down to its most minute details; nor was there a more perfect draughtsman for the more ornamental parts of rooms, upon the pure models which in Italy

he had studied, than the political economist who could unravel all the mysteries of currency and exchanges, the philosopher who could throw light on the darker passages of metaphysical science.

This distinguished person was equally delightful in private and respectable in public life. His gaiety was perpetual; natural, lively, playful, no one was more easily interested and amused; few brought more into the general stock of entertainment. The difference of ranks was probably less known to him than to any other individual of the order to which he belonged. Pride of every kind was as alien to his nature as vanity. He seemed unconscious that the Chancellor King or the philosopher Locke had ever lived; and equally unconscious of his own existence. It should seem, indeed, that the fact of the Lord Chancellor's existence has been also obliterated from the recollection of his surviving family; for the name and title of King has been abolished, and some other name wholly unknown substituted in its stead. If this has been done from a noble desire to illustrate an obscure title by great actions, 'tis well. But in the meantime it may be remarked, that the Government ought to have corrected this apparent want of memory, and peremptorily refused an arrangement by which all traces are expunged from the Peerage of one who was an ornament to the order; one who was elevated to his rank for great public services, whose name was the property of his profession and his country.

THE third of those who have been mentioned in connexion with the Currency question, was Mr. Ricardo; a person of good information and great ability, though not overtopping all others in learning, nor entitled to be reckoned a man of genius. The originality of some speculations on political economy, in which he

engaged, was, indeed, undeniable; for, although the doctrine of rent now generally received had been broached some years before by Sir Edward West, afterwards Chief Judge at Bombay; he delivered it in an obscure pamphlet, which being published anonymously attracted no attention, and was quite unknown both to Mr. Malthus and Mr. Ricardo at the time their controversy began. This furnishes an additional proof, however, of the truth so universally observed in all departments of science, that, discoveries being made gradually, and when many men's minds are bent in the same direction, the new light seldom breaks upon one eye alone, and a doubt may almost always be raised who is the person that really made any given step.

The habits of this able and excellent person were those of business, and business of a contracted kind, as little likely to fit the mind for abstract and general inquiries as to point the attention towards them. His life had been passed on the Stock Exchange, like that of so many members of the Jewish persuasion, to which his family originally belonged. But his leisure hours had been devoted to study, and no man was better acquainted with all the ordinary topics of political information. When the Bullion Question was forced upon the attention of Parliament and the country, by the manifest effects of inconvertible paper having so long been issued by the Bank of England, and still more, perhaps, by the excessive issue of country bank-notes, contrary to all the speculative arguments of the other school, founded upon a fallacious notion that their being made payable in Bank of England paper imposed an effectual check upon their issue, whereas country people, preferring paper on which names well known to them were seen, never thought of making any such exchange; Mr. Ricardo took a part in the controversy that arose, and published one or two tracts on the depreciation.

Lord King had first demonstrated this as early as 1804, the book of Mr. Thornton, and Mr. Horner's able and learned analysis of it in the 'Edinburgh Review,' having left this important question altogether undecided. But Mr. Ricardo's arguments and his facts, added to his great practical knowledge of all monetary questions, produced a powerful impression, and greatly aided the proceedings of the first Bullion Committee, that of 1810. As a literary performance, the pamphlet had a merit almost equal to that of its argument and its information. The style was simple, clear, and nervous; showing powers, both of reasoning and of explanation, which were of a high order, and disfigured by no deviation whatever from the rules of correct taste.

During the few succeeding years in the enjoyment of high reputation among political economists, and taking a distinguished place among literary men, he continued his labours as an author, and, consolidating his views in one work, gave to the world his excellent treatise on his favourite science, which, with Mr. Malthus's Essay on the 'Principle of Population,' divides the claim to a second place after the 'Wealth of Nations,' among the books which this country has produced upon the important science of Economics. Meanwhile his controversial discussions with Mr. Malthus and others were conducted in a spirit of candour and genuine unaffected good-humour, joined to first rate ability and argumentative skill, that makes them a model for all succeeding combatants in the fields of reasoning. The distinguished men who carried on this discussion in public, through the press, betrayed no heat or impatience of temper —no anxiety to take an unfair advantage—no wish to catch at trifling omissions or slips—nothing of heat or animosity whatever; they were manifestly impressed with one only desire, and in pursuit of one object alone—desirous only that the truth should be dis-

covered—the truth, the sole object of their search; and although there was involved in the contest the question of their own fame, it was conducted as calmly as a game at chess, or the investigation of a problem in the mathematics.

The Bill which usually goes by Mr. Peel's name had been passed for restoring the currency a short time before Mr. Ricardo came into Parliament; but the Committee (commonly called the Second Bullion Committee), out of whose Report the measure arose, had fully adopted the principle and had closely followed the plan laid down by Mr. Ricardo. When he took his place in the House of Commons, after the high reputation which had preceded him, he necessarily appeared to some disadvantage under the weight of the great expectations formed of him. But, as far as these were reasonable, however ample, they were fully answered. His speaking, his conduct, his manner, were all unexceptionable, and all suited to the man; his high station among philosophers, his known opinions on political affairs, his kindly nature, and his genuine modesty. There was something about him, chiefly a want of all affectation as well as pretension in everything he said or did, that won the respect of each party. His matter was ever of high value. Whether you agreed or differed with him, you were well pleased to have it brought out and made to bear upon the question, if indeed the pursuit of right and truth was your object. His views were often, indeed, abundantly theoretical, sometimes too refined for his audience, occasionally extravagant from his propensity to follow a right principle into all its consequences, without duly taking into account in practice the condition of things to which he was applying it, as if a mechanician were to construct an engine without taking into consideration the resistance of the air in which it was to work, or the strength and the weight and the friction of the

parts of which it was to be made. When he propounded, as the best way of extricating us from our financial embarrassments, that the capital of the country should be taxed 700 or 800 millions, and the debt at once paid off, and defended this scheme upon the twofold ground, that what a debtor owes is always to be deducted from his property and regarded as belonging to his creditors, and that the expense of managing the debt and raising the revenue to pay the interest would be a large saving to the nation, he assumed as true two undeniable facts, but he drew a practical inference not more startling at its first statement than inadmissible when closely examined upon the clearest grounds of both expediency and justice. It may even be doubted whether the only feasible portion of the plan, the diminution of interest from time to time effected by threats of repaying the principal, or rather redeeming the annuities (the only thing to which the public creditor is entitled), be not a step too far in this direction, both as to justice and policy. In like manner he always greatly undervalued the amount of the depreciation in the currency upon prices generally, estimating it solely by the difference between the mint price and the market price of gold: and so confidently did he believe in this speculative estimate, that his practical plan for restoring the currency was grounded upon it. But while such were his errors, and those of a kind to excite very strong feelings in certain large and important classes in the House of Commons, he was uniformly and universally respected for the sterling qualities of his capacity and his character, which were acknowledged by all.

His speaking was of an admirable description; clear, simple, correct in diction, copious in argument, pregnant with information, but never thrown away. He reserved the share which he took in debate for questions to which his attention had been particularly

directed, with which he was familiar, and to which he attached great importance. Hence, even his extreme opinions upon questions connected with the reform of the constitution in Church and State gave no offence; for he appeared not to court the opportunity of delivering them, but as if compelled by a sense of duty to declare his mind, careless or indisposed otherwise to make a speech. Few men have, accordingly, had more weight in Parliament; certainly none who, finding but a very small body of his fellow-members to agree with his leading opinions, might be said generally to speak against the sense of his audience, ever commanded a more patient or even favourable hearing; and, as this was affected without any of the more ordinary powers of oratory or of entertainment possessed by others, it might be regarded as the triumph of reason, intelligence, and integrity over untoward circumstances and alien natures. The regret felt for his loss was in proportion to the high estimation in which he had been held during the three years that he sat in Parliament; and the country, as well as its representatives, justly sorrowed over a great light extinguished prematurely, which had already proved so useful, and which might have been expected to render so much greater and longer service in illuminating the world.

NOTE.—It may seem an omission in a work professing to give the Orators as well as the Statesmen of the last age, that Curran should not appear among them,—the greatest orator after Grattan and Plunket that Ireland has produced, and in every respect worthy of being placed on a line with those great masters of speech. But there is really an insuperable difficulty in attempting a task which has been so inimitably performed already, and within only a few years. Mr. C. Phillips's sketch of his friend is certainly one of the most extraordinary pieces of biography ever produced.

Nothing can be more lively and picturesque than its representation of the famous original. The reader of it can hardly be said not to have personally known Curran and Curran's contemporaries. It has been justly said of this admirable work that it is Boswell *minus* Bozzy. No library should be without such a piece; and instead of hopelessly attempting any addition to it, there will be more use in copying over one of the numerous characteristic descriptions in which it abounds.

"I caught the first glimpse of the little man through the vista of his garden. There he was—on a third time afterwards I saw him in a dress which you would imagine he had borrowed from his tipstaff; his hands in his sides; his under-lip protruded; his face almost parallel with the horizon—and the important step, and the eternal attitude only varied by the pause during which his eye glanced from his guest to his watch and from his watch reproachfully to his dining-room;—it was an invariable peculiarity—one second after four o'clock, and he would not wait for the Viceroy. The moment he perceived me, he took me by the hand, said he would not have any one introduce me; and with a manner which I often thought was *charmed*, at once banished every apprehension, and completely familiarized me at the Priory. I had often seen Curran—often heard him—often read him; but no man ever knew anything about him who did not see him at his own table, with the few whom he selected. He was a little convivial deity; he soared in every region, and was at home in all—he touched everything, and seemed as if he had created it; he mastered the human heart with the same ease that he did his violin. You wept, and you laughed, and you wondered; and the wonderful creature who made you do all at will, never let it appear that he was more than your equal, and was quite willing, if you chose, to become your auditor. It is said of Swift that his rule was to allow a minute's pause after he had concluded, and then, if no person took up the conversation, to recommence himself. Curran had no conversational rule whatever: he spoke from impulse, and he had the art so to draw you into a participation, that, though you felt an inferiority, it was quite a contented one. Indeed nothing could exceed the urbanity of his demeanour.

At the time I spoke of he was turned sixty, yet he was as playful as a child. The extremes of youth and age were met in him: he had the experience of the one, and the simplicity of the other."—(Recollections of Curran and some of his Contemporaries, p. 3.)

Let one specimen of Curran's powers be added, and it is one of the most certainly known to be unpremeditated of any in the history of the rhetorical art; for who could ever have supposed a judge capable of sneering at a barrister's poverty by telling him he suspected "his law library was rather contracted?" Yet this was the brutal remark of Judge Robinson, the author of many stupid, slavish, and scurrilous political pamphlets, and by his demerits raised to the eminence which he thus disgraced.

"It is very true, my Lord, that I am poor, and the circumstance has certainly somewhat curtailed my library: my books are not numerous, but they are select, and I hope they have been perused with proper dispositions. I have prepared myself for this high profession rather by the study of a few good works, than by the composition of a great many bad ones. I am not ashamed of my poverty; but I should be ashamed of my wealth, could I have stooped to acquire it by servility and corruption. If I rise not to rank, I shall at least be honest; and should I ever cease to be so, many an example shows me that an ill-gained elevation, by making me the more conspicuous, would only make me the more universally and the more notoriously contemptible!"

LORD ELLENBOROUGH.

It would not be easy to find a greater contrast between two individuals filling places of the same kind, than the great judge whose character we have lately been contemplating,* afforded to one of the most eminent that have flourished in later times, Lord Ellenborough. In some respects, indeed, he presented a contrast to all other judges; for he broke through most of the conventional trammels which those high functionaries generally impose upon themselves, or fancy that others expect to behold. Far from abounding in that cautious circumspection, that close adherence to technical proprieties, that restraint of his mind to the mere matter in hand, he despised even much of what goes to form ordinary discretion; and is so much overrated by inferior natures as the essence of wisdom, but so justly valued by calculating ones as the guarantee of success. Of compromise, whether regarding his opinions or his wishes, he knew not the meaning; of fear, in any of its various and extensive provinces, he knew not even the name; or, if he saw its form, yet he denied its title, held its style in mockery, and would not, even for an instant, acknowledge its sway. Far, indeed, from cradling himself within the details of a subject, he was wholly averse to such narrow views of particulars; and took a large and commanding survey of the whole, which laid open before him all its parts and all their relations. Bred a pleader, he, however, on coming to the bar, early showed that he only retained the needful technical knowledge which this preparatory practice had

* Lord Camden.

bestowed on him; and he at once dashed into the leading branch of the profession. The famous case of Mr. Hastings—the opprobrium of English justice, and, through mismanagement and party violence, the destruction of the greatest remedy afforded by our constitution—soon opened to Mr. Law the highest walks of the bar. He was the defendant's leading counsel; and his talents, both as a lawyer and a speaker, shone forth conspicuous even upon that great occasion of oratorical display—the only fruits produced by this proceeding, so costly to the country, so much more costly still to the free constitution of England. He soon rose to the unrivalled lead of the Northern Circuit, to which, by birth, he belonged; his father having been Bishop of Carlisle, and himself born at the village of Salkeld,* in Cumberland. In Westminster Hall he had also good success, though he never rose there into the first lead; having indeed to contend with most able rivals, and among them with Erskine, the greatest advocate of all. Lord Kenyon, whose favour for this illustrious ornament of his court I have already had occasion to remark,† was felt, or was supposed by Mr. Law, to be partial more than became him to this formidable antagonist; and a quotation to which this feeling gave rise is often cited, and with justice, as singularly happy. Mr. Erskine had been, somewhat more than was his practice with any adversary, triumphing over him, when Mr. Law, first addressing him and then Lord Kenyon, thundered forth these fine, and expressive, and perfectly applicable lines, with the volume of tone which he possessed beyond most men—

—Non me tua fervida terrent
Dicta ferox; Di me terrent et Jupiter hostis.

* This village is now remarkable as the residence of Mr. Gaskin, a man of the most sterling merit as an astronomer and maker of exquisite telescopes; father of Mr. Gaskin, late tutor of Jesus College, Cambridge, so well known for his mathematical accomplishments.

† Lives of Statesmen, vol. i. p. 321.

Here he bowed sarcastically to the Chief Justice, while he dwelt and paused upon the name of the heavenly archetype.

As a lawyer, without being very profound, and confining his learning to the ordinary matters of common law, he yet knew quite enough for ordinary occasions; and afterwards, as generally happens with able men, Sir W. Grant among them, greatly extended his information when raised to the bench. As an advocate he was vigorous, impressive, adventurous; more daring than skilful; often, from his boldness, not a safe leader; always despising the slow progress, the indirect avenues to victory, which the rules of art prescribe;—preferring to vault over obstacles, follow the shortest line, and cut the knot rather than waste time in untying it. But he could powerfully address the feelings, whether to rouse indignation at cruelty, or contempt at fraud, or scorn at meanness. For his own nature had nothing harsh in it, except his irascible temper, quickly roused, as quickly appeased; his mind was just, abhorring any deviation from equity; his nature was noble, holding in utter contempt everything low or base; his spirit was open, manly, honest, and ever moved with disgust at anything false or tricky; his courage was high, leaving him more scorn than compassion for nerves less firm than his own. Nor was it only the thunder of his fierce declamation—very effectual, though somewhat clumsy, and occasionally coarse—with which he could prevail against an adversary, and master an audience. He had no mean power of ridicule, as playful as a mind more strong than refined could make it; while of sarcasm he was an eminent professor, but of the kind which hacks, and tears, and flays its victims, rather than destroys by cutting keenly. His vigorous understanding, holding no fellowship with anything that was petty or paltry, naturally saw the contemptible or inconsistent, and therefore, in this wise, ludicrous

aspect of things; nor did he apply any restraint on this propensity of his nature when he came into stations where it could less freely be indulged. His interrogative exclamation in Lord Melville's case, when the party's ignorance of having taken accommodation out of the public fund was alleged—indeed, was proved—may be remembered as very picturesque, though perhaps more pungent than dignified. "Not know secrecy money? Did he see it when it glittered? Did he hear it when it chinked?" On the bench he had the very well known, but not very eloquent Henry Hunt before him, who, in mitigation of an expected sentence, spoke of some who "complained of his dangerous eloquence."—"They do you great injustice, sir," said the considerate and merciful Chief Justice, kindly wanting to relieve him from all anxiety on this charge. After he had been listening to two conveyancers for a whole day of a long and most technical argument in silence, and with a wholesome fear of lengthening it by any interruption whatever, one of them in reply to a remark from another judge said, "If it is the pleasure of your lordships that I should go into that matter"—"We, sir," said the Chief Justice, "have no pleasure in it any way." When a favourite special pleader was making an excursion, somewhat unexpected by his hearers, as unwonted in him, into a pathetic topic—"An't we, sir, rather getting now into the high sentimental latitudes?"

It was observed with some justice, that his periods occasionally, with his manner, reminded men of Johnson. When meeting the defence of an advocate for a libel on the Prince Regent, that it had been provoked by the gross, and fulsome, and silly flattery of some corrupt panegyrist—"What," said he, "An offence against the law of the land provoked by an offence against the laws of taste! How frail is the tenure by which men hold their reputation, if it may be worn

down and compromised away between the mischievous flattery of fulsome praise and the open enmity of malignant abuse!" But it was observed with much less correctness that his sarcasms derived adventitious force from his Cumberland dialect. From his manner and voice, both powerful, both eminently characteristic, they assuredly did derive a considerable and a legitimate accession of effect. But his dialect was of little or no avail; indeed, except in the pronouncing of a few words, his solecisms were not perceivable. It was a great mistake to suppose that such pronunciations as Marchant, Hartford, were provincial; they are old English, and came from a time when the spelling was as I have now written the words. He was of those, too, who said "Lunnun" and "Brummagem;" but this, too, is the good old English dialect, and was always used by Mr. Perceval, who never crossed the Trent except twice a-year going the Midland Circuit. Mr. Fox, a lover of the Saxon dialect, in like manner, always so spoke; and preferred Cales, and Sheer, and Groyne, to Cadiz, Shire, and Corunna.

When his powerful mind was brought to bear upon any question that came before him, whether sitting alone at *Nisi Prius*, or with his brethren in Banc, the impression which he made upon it was immediate, sure, and deep. Sometimes it required the modification of the whole court revising what he had done alone; sometimes the interposition of his fellows sitting with him; but its value was always great, and no man doubted the energy or could avoid feeling the weight of his blows.

The books are perhaps not the only quarters whither we should resort to find the memorials of a Chief Judge's learning or talents for transacting judicial business. All that relates to sittings and circuits—that is, nearly two-thirds of his judicial labours, and by far the most important portion of them—leaves no trace whatever in these valuable Repertories of legal

learning. Yet the Term Reports bear ample testimony to the vigour of this eminent individual's capacity, during the eighteen years that he filled the first place among the English Common Law judges.

His manner has been already mentioned in one particular. It was much more faulty in another. He was somewhat irascible, and occasionally even violent. But no one could accuse him of the least partiality; his honest and manly nature ever disdained as much to trample overbearingly on the humble, as to crouch meanly before the powerful. He was sometimes impatient; and, as his mind was rather strong than nimble, he often betrayed hastiness of conclusion more than he displayed quickness of apprehension. This slowness was shown by his actually writing his speeches for many years after he was a leader; and, to the end of his professional life, he would occasionally commit to paper portions even of his intended reply to the Jury. It was a consequence of this power of his understanding, and of his uniform preference of the plain, sound, common-sense views which vigorous minds prefer, that refinements or subtleties were almost as little to his liking, as to the taste of his more cold and cautious successor. But he was not so much disturbed with them. They gave him little vexation, but rather contributed to his mirth, or furnished food for his sarcastic commentary. "It was reserved," said he, respecting a somewhat refined and quite a new gloss of Mr. Scarlett upon a well-known matter—"It was reserved for the ingenuity of the fiftieth of Geo. III. [he was speaking in the year 1810] to hit upon this crotchet."

To give any samples of this eminent person's eloquence when at the bar would not be very easy, because in his time the practice had not been introduced of publishing corrected reports of ordinary trials; and till the speeches of Mr. Curran and Lord Erskine were collected in very recent times, no such

works had ever been given to the public, at least in this country. But I have been so fortunate as to obtain the short-hand writer's notes of Mr. Law's celebrated Defence of Hastings; and a careful perusal of it has fully satisfied me that its merits fully answer its reputation, and that his great forensic powers have not been overrated by the general opinion of Westminster Hall. There is a lucid order in the statement of his details, struggling as he did with the vast compass and repulsive materials of his subject, and a plain manly vigour in the argument, far more valuable to his cause than any rhetorical display. But there is also much of the purest and most effective eloquence. The topics and the illustrations are felicitously chosen; the occasional figures are chastely but luminously introduced; the diction is pure and nervous, marked by the love of strong and homely phrase which ever breathed in his discourse; the finer passages have rarely been surpassed by any effort of forensic power, and must have produced a great effect under all the disadvantages of an exhausted auditory and a worn-out controversy, and would have ranked with the most successful exhibitions of the oratorical art had they been delivered in the early stage of the trial, before all had become, for the reasons so skilfully stated in the exordium, flat and lifeless. The following two passages will serve to justify my opinion. The first is a portion of the beautifully and skilfully elaborated exordium; the second is a part of the peroration, and may fairly be set in comparison with Mr. Burke's celebrated panegyric on Mr. Fox:—

"To a taste thus pampered, and I had almost said corrupted, with such luscious delicacies, we have nothing left that we can offer but the plain and simple food, I had almost said the dry husk, of fact and argument.

"But, my lords, we have, on another account, reason to anticipate the dissatisfaction and disgust of your lordships. Not only the manner in which this

subject will be treated must be more homely than that to which you have been hitherto accustomed, but the subject itself and every attendant circumstance has lost the attractive grace and keen relish of novelty. This solemn scene, the concentrated splendour of everything that is dignified and illustrious in the various orders of this well-compacted community,—the dazzling display of the envied and valuable distinctions with which the wisdom of our country has at all times adorned high birth, eminent virtue, brilliant valour, profound learning,—everything, in short, which is precious and sacred in the display of the supreme administration of British justice,—has, by the frequency of its exhibition, lost much of that claim to eager attention and warm interest which it once advanced, much of that favour which it lent to the first efforts of those whose great faculties little needed such adventitious aid to arrest the attention of the world.

"My lords, the province which our duty assigns us is, on other accounts, equally irksome and disadvantageous. To detect brilliant fallacies, to unveil specious errors, is at all times a thankless, obnoxious, and uninteresting office. To dispel the clouds of misrepresentation which have been for so many years gathering over the public life and conduct of the gentleman at your bar within that contracted portion of time which the public patience, and, what at our hands is equally deserving of consideration, the tortured and almost expiring patience of our client, will allow us, is hardly within the compass of the same talents which have imposed this burden on us, but beyond the reach of all reasonable hope with those meaner faculties on which this Herculean labour rests. Struggling, therefore, against so many natural and so many artificial difficulties, enhanced by the inevitable effect at once of anticipation and of fatigue, where can the advocate look for comfort, or from whence derive any reasonable source of hope?"

The following is taken from the peroration:—

"My lords, I last of all present you with that praise which shall embalm his memory when he shall be no more, and whilst he lives shall enable him to look down with indifference and with scorn upon the most malignant efforts of his bitterest enemies. The people of India in this respect well adopted the practice of the ancients in delaying their sacrifices to heroes till after sunset. They waited not only till the beams which had warmed and cherished them were withdrawn, but they waited till the object of their regard had well nigh set in dark clouds of disastrous night: they waited till it was told, to the grief and astonishment of their distant land, that the beneficent author of so much good to them was arraigned by his countrymen as the cause of their oppression, vexation, degradation, and disgrace. Roused by these sad tidings, the rude but grateful being who had been called by Mr. Hastings from the hills and forests of Rajawaum to abandon the abode of savage life and to taste the comforts of civilized existence,—the pilgrim who had been protected in his annual visits to the hallowed shrine where his forefathers had worshipped,—the princes who had been raised up, established, and protected by his power,—the humble citizen to whom he had communicated the invaluable blessings of a regular administration of impartial and enlightened justice,—each as he was severally blessed, and each according to his several ritual, invoked the sacred object of his faith and fear in solemn attestation of his thankfulness for that beneficent administration which, under the providence of our common Father, had been the appointed means of drawing down so many blessings on their heads."

It is not possible to quit this subject without once more expressing the sense now generally entertained by all impartial men of the gross and cruel injustice which marked the whole conduct of this celebrated impeachment. A powerful party, powerful in the

Commons, the accusers, as well as among the Peers, the judges, made the destruction of an eminent public servant, admitted on all hands to have conferred the greatest benefits on his country, and crowned with unvaried approval by his employers, the object of their utmost efforts, taking it up distinctly as a party question. It would have been enough to stamp the proceeding with the character of foul injustice had only the accusers been bound together, excited and exasperated by this factious spirit; because the accuser who prefers criminal charges is bound to act with fairness and with candour towards the object of his attack, and to show that he is only actuated by a painful sense of public duty. But how much more foul a stain attaches to this mockery of British justice, when we find the judges themselves leagued on either side by the same factious propensities, so that each man's vote could as certainly be known before the close of the trial, nay before its commencement, as after he had solemnly laid his hand on his heart and pronounced judgment "upon his honour;" that the victim of these party manœuvres was kept in the suspense of a culprit upon his trial for seven years; that he was during that time the object of incessant vituperation, either from the party chiefs in the Commons, or the party managers before the Lords, or the party writers in the press, or the party spouters at public meetings, and more commonly from all at once, assaulting his devoted character; that all this invective was poured forth against him for many years before one word could be heard in his defence, while half a generation passed away under the horror of his name, which such proceedings were calculated to inspire; that his fortune, his moderate fortune, should have been exhausted with his health, his spirits, his life, or whatever of these a long service under the eastern sun had left unscathed; and that finally, when men had forgotten all but the eloquence of his adversaries, and would not

listen to another word on either side of the tedious question, he should in his old age be pronounced wholly guiltless and honourably acquitted, being ruined as if he had been condemned—these are the outrages upon all justice which this scandalous mockery of a trial presents! But it also exhibits another result of blind factious zeal and boundless personal vanity, not unalloyed with fanaticism. Owing to this proceeding it is that the appointed remedy for misgovernment in our constitution—the impeachment of public wrong-doers—has become so discredited, that it exists in little more than in the theory of the government; while, but for Lord Erskine's firm and judicious conduct of the trial in Lord Melville's case, it would hardly have been now mentioned even among the speculative possibilities of our political system.

The chief defect of Lord Ellenborough's judicial character, not unconnected with the hastiness of his temper, also bore some relation to the vigour of his understanding, which made him somewhat contemptuous of weaker men, and somewhat overweening in reliance upon himself. He was not as patient and passive as a judge ought habitually to be. He was apt to overlook suggestions, which, though valuable, might be more feebly urged than suited his palate. He was fond of taking the case prematurely into his own hands. He despatched business with great celerity, and, for the most part, with success. But causes were not sifted before him with that closeness of scrutiny, and parties were not suffered to bring forward all they had to state with that fulness and freedom, which alone can prevent misdecision, and insure the due administration of justice. There was a common saying in his time, which contrasts the Court of Chancery under Lord Eldon with the King's Bench under Lord Ellenborough—"the two sides of Westminster Hall," as the Equity and Law departments are technically called. The one was said to hear everything and de-

cide nothing, the other to decide everything and hear nothing.* But in Banc, where full time has been given for preparation, where the court never can be taken by surprise, where, moreover, the assistance of three puisne judges is ever at hand to remedy the chief's defects and control his impatience, this hasty disposition and warm temperament was comparatively harmless, and seldom produced mischievous effects to the suitor. At Nisi Prius it is far otherwise; for there a false step is easily made, and it may not be easily retraced. If the judge's power have prevented a moderately experienced practitioner from taking an objection in due time, or from urging it with sufficient distinctness, his client may often be told that he is too late, when he seeks to be relieved against the consequences of this mishap. So when a verdict has been obtained against the justice of the case, and the judge, through the impatience of his nature, has not disapproved it, the injury is remediless, because a new trial will in most instances be refused, or if granted, can only be obtained on the payment of all costs. There can be no manner of doubt, I apprehend, that taking into the account the defect now mentioned, Lord Tenterden was upon the whole a better judge than his abler and more vigorous predecessor. But it is also clear that he did not as promptly despatch the business of the sittings before him.

The state, however, of the bar, and the distribution of business in Lord Ellenborough's time, made it much easier for him to give that despatch. Had he survived to later times, it may well be questioned if he could have proceeded with the same celerity which marked his reign. The suitors as well as the bar were no longer the same body, with whose interests and with whose advocacy he had to deal. In his time, the whole City business was in the hands of Gibbs, Garrow, and Park; with occasionally, as in the cases of

* Oyer sans terminer—Terminer sans oyer.

the Baltic risks, the intervention of Topping;* and it was a main object with them all to facilitate the despatch of business. This they effected by at once giving up all but the arguable points of law, on which they immediately took the judge's opinion; and the maintainable questions of fact, on which they went to the jury. Fifteen or twenty important causes were thus disposed of in a morning, more to the satisfaction of the court and the benefit of the counsel than to the contentment of the parties or their attorneys. It is true that no real loss was, in the vast majority of instances, sustained by any one through this kind of arrangement, while the time of the public was saved. But it is equally true that every now and then a slip was made and a benefit lost; and that nothing can guard against such accidents but the right course of thoroughly sifting each case as if it were the only one in which the advocate was retained, or which the judge had to try. Nor must it be forgotten, that the right decision of causes is only one, though certainly the most important, office of justice. Another, only second in importance to that, is the giving parties satisfaction,—such satisfaction as is enough for reasonable persons. Now, as every person is impressed with the idea that there is but one cause in the world, and that one his own, however unmindful of this the court and the counsel may be, discontent, heart-burnings, feelings of injustice suffered, desire of redress in other ways, and among these oftentimes by means of other suits, is sure to be

* The mention of this most honourable man, in connexion with those cases, recalls an incident so creditable to himself, and to the renowned profession to which he belonged, that it ought not to be passed over in silence. A general retainer of a thousand guineas was brought to him, to cover the Baltic cases then in progress. His answer was, that this indicated either a doubt of his doing his duty on the ordinary terms known in the profession (one guinea particular, and five guineas general retainer), or an expectation that he should, on being thus retained, do something beyond the line of his duty, and therefore he must decline it. His clerk then accepted of the usual sum of five guineas, and he led on those important cases for the defendants.

left in the train of Themis, when the pace she moves at is too rapid for ordinary eyes to follow, and breaks too rudely through the surrounding ties and feelings of interest. Hence, the despatch effected is frequently more apparent (or what Lord Bacon calls *affected)* than real; of which a remarkable example used to be afforded by Sir John Leach, whose swift decisions without hearing, only produced appeals to the Great Seal. But in whatever way these opinions may be disposed of, one thing was certain:—the kind of arrangement which has been described as prevailing among the leaders in Lord Ellenborough's time could only be found practicable as long as the lead should be confined within a very few hands. When it was at all scattered, such a thing was altogether out of the question; and in Lord Tenterden's time this distribution undeniably took place.

But another change was also consummated, which, under Lord Tenterden's predecessor, had only begun to operate, and it tended materially both to control the speed of the bench, to promote the interest of the suitor, and to improve the administration of justice. The bar no longer owned so entire a supremacy of the bench; the advocate was not any more placed at an immeasurable distance from the judge; there was not now that impassable gulf between them which formerly had yawned before the barrister's eye. I remember being told by a learned serjeant, that at the table of Serjeant's-inn, where the judges meet their brethren of the coif to dine, the etiquette was, in those days, never to say a word after the Chief Justice, nor ever to begin any topic of conversation; he was treated with fully more than the obsequious deference shown at court to the sovereign himself. Assuredly, the footing upon which judges and barristers have stood in recent times is as different as can well be conceived from that on which those high parties stood under Lord Ellenborough's administration of justice; and one

consequence of the new regimen is the much greater fulness of discussion, with its attendant evil, no doubt, the much greater prolixity of counsel, and much slower progress of business.

In another particular Lord Ellenborough differed from his successor, and the diversity originated in the greater vigour of his faculties and his more entire confidence in himself. Lord Tenterden, never having been a leader at the bar, could not abide "the trick" of the profession, and no harm would have been done had he stopped here. But he seemed always to suppose that an address to a jury could be framed on the model of a special plea, or the counts, in a declaration, only without the prolixity and repetition habitual with pleaders: and to forget that the surest way of bringing out the truth in any case is to let the conflicting feelings and interests of parties come into their natural collision. His impatience was thus very manifest; and had his nerves been in the same proportion firm as his dislike to declamation and illustration was strong, a struggle would have ensued, in which the eloquence of the bar would either have been extinguished, or have silenced and discomfited the Bench. In like manner, during the interlocutory discussions with the counsel, whether on motions in Banc, or on objections taken before him at *Nisi Prius*, he was uneasy, impatient, and indeed irascible, at nothing so much as at cases put by way of trying what the court had flung out. Being wholly void of imagination to supply cases in reply, and even without much quickness to sift the application of those put, he often lost his temper, and always treated the topic as an offence. But it was chiefly in obstructing cross-examination, which he wholly undervalued, from his utter incapability of performing his part in it, that his pleader-like habits broke out. Had he been submitted to in this matter, cross-examination would have been only known as a matter of legal history. His constant course was

to stop the counsel by reminding him that the witness had already said so, or had already sworn the contrary, and this before the question was answered; to which it was natural, and indeed became usual, for the counsel to make answer, that this was the very reason why the question had been asked; the object being either to try the witness's memory, or to test his honesty.

Very far otherwise was Lord Ellenborough. He had long and ably led while an advocate, although he never attained the first rank in Westminster Hall, and only shone superior on the Great Circuit of the North. He had therefore a fellow-feeling with the leaders before him; and as for any dread of their address to the jury, or any jealousy of the jury's interference with his functions, or any squeamish notion of his own dignity suffering from the speech to the jury going on before him, or any disinclination to witness the utmost exertion of the advocate's eloquence or wit in speaking, or of his subtlety and vehemence in cross-examination, there was no more risk of that than if he had not been present in the court. So when an objection was taken to evidence, he never attempted to escape from it by denying the materiality of the fact offered to be proved, or of the question attempted to be put. He at once gave his opinion, to which, and justly, he deemed the parties entitled. Beyond interfering to oppose a prolix and needless statement, or a wearisome and reiterative cross-examination, or a wandering from what he deemed the point in issue, he did not interfere; and the same liberty and even licence which he had himself enjoyed when dealing with witnesses, he freely allowed counsel to use in his presence.

While representing this contrast between the two Chief Justices, we must, in fairness to Lord Tenterden, bear in mind the somewhat anomalous position of a judge while presiding at *Nisi Prius;* a position, the annoyance of which so vigorous a personage as Lord

Ellenborough had no occasion to heed, strong in his own resources, relying on his intrinsic qualities, seeking no support to his dignity from any adventitious circumstances, dreading no rival authority to lower it. But inferior men could not so easily bear that rivalry. The judge, indeed, presides over the whole proceedings; but the jury holds *divisum imperium;* and he sits there as the nominal chief while the advocate is sometimes dealing with the witness as if no judge were present, and sometimes addressing the jury, careless whether the judge hears him or not, equally indifferent whether his lordship approves or disapproves what he says. Princes, it is said, cannot allow any one to address another in their awful presence; nay, the code of etiquette has embodied this feeling of sensitive royalty in a rule or maxim. The ruler of the court has as little love of a proceeding which, in the prefatory words, "May it please your lordship," seems to recognize his supremacy; but in the next breath leaves "his lordship" on the bench entirely out of view, as if he were reposing on his bed, or gathered to his fathers. Few judges accordingly, are so considerate as to be patient of eloquence, whether in declamation or in witty illustration; few regard these flights otherwise than as in derogation from the respect which is their own especial due. To address passions which they are forbidden to feel—to contemplate topics that must be suited to any palate rather than theirs—to issue jokes by which they ought not to be moved, while all others are convulsed—seems incompatible with their station as the presiding power, or a violation of that respect which it ought to inspire. Lord Tenterden, more than most judges, appeared to feel this; and it was a feeling wholly founded in forgetfulness of the very nature of jury trial, as it was unworthy of his solid sense and great sagacity. In the distribution of criminal justice the case is widely different. The anxiety necessarily attendant upon the

judge's highly responsible office here leads him to court all help from the ingenuity of counsel. Before addressing the jury was allowed in cases of felony, the chances of collision were of course more limited; but even now nothing of the uneasy feeling to which I have been adverting has been found to take place since the recent change of the practice in criminal courts.

In his political opinions, Lord Ellenborough was originally, like the rest of his family a moderate Whig. But he never mingled in the associations or proceedings of party; and held an independent course, with, however, considerable disinclination, at all times, to the policy and the person of Mr. Pitt. He joined Mr. Addington's Administration as Attorney-General, and came into Parliament, where he did not distinguish himself. Lord Kenyon's death soon after made way for him on the bench; and he was, at the same time, raised to the peerage. The quarrel between that administration and Mr. Pitt did not reconcile him to the minister; and against Lord Melville he entertained a strong personal as well as party prejudice, which broke out once and again during the proceedings on his impeachment. The accession of the Whigs to power, in 1806, was accompanied by their junction with Lord Sidmouth; and as he required to have a friend in the strangely mixed cabinet, the unfortunate choice was made of the first Criminal and Common Law Judge in the land, of whom to make a political partizan;—he whose high office it was to try political offences of every description, and among others the daily libels upon the government of himself and his colleagues. This error has ever been deemed one of the darkest pages of Whig history. Mr. Fox made a dexterous and ingenious defence, quoting a few special precedents against the most sound principles of the constitution; and, with a singular forgetfulness of the real case, defending an inroad on the pure administration of criminal justice by appeals

to instances of civilians and Chancery lawyers sitting in Parliament. But Lord Ellenborough's own son lately took occasion honestly to state that his father had told him, if it were to do over again, he should be no party to such a proceeding. He said this in the course of the discussion which I raised against making the Lord Chief Justice one of the Regency in the event of the next heir being beyond the seas on a demise of the crown. I may add, that, being asked by Mr. Fox my opinion of his argument the day after Mr. Stanhope's motion, the reception which he gave my strong expression of dissent left me the strong impression that he had fully felt the difficulties of his case, if not its weakness.

On the bench, it is not to be denied that Lord Ellenborough occasionally suffered the strength of his political feelings to break forth, and to influence the tone and temper of his observations. That he ever, upon any one occasion, knowingly deviated one hair's breadth from justice in the discharge of his office, is wholly untrue. The case which gave rise to the greatest comment, and even led to a senseless show of impeachment, was Lord Cochrane's; but I have the best reason to know that all who assisted at this trial were in truth convinced of the purity with which the judicial duties were discharged, and the equality with which justice was administered. Lord Ellenborough was not of those judges who, in directing the jury, merely read over their notes and let them guess at the opinions they have formed; leaving them without any help or recommendation to form their own judgments. Upon each case that came before him he had an opinion; and while he left the decision with the jury, he intimated how he thought himself. This manner of performing the office of judge is now generally followed and most commonly approved. It was the course taken by this great judge in trying Lord Cochrane and his alleged associates; but if any of those

who attacked him for it had been present at the trial of the case which stood immediately before it or after it in the paper, he would have found Lord Ellenborough trying that case in the self-same way—it being an action upon a bill of exchange or for goods sold and delivered.

I must, however, be here distinctly understood to deny the accuracy of the opinion which Lord Ellenborough appears to have formed in this case, and deeply to lament the verdict of guilty which the jury returned, after three hours' consulting and hesitation. If Lord Cochrane was at all aware of his uncle, Mr. Cochrane Johnstone's proceedings, it was the whole extent of his privity to the fact. Having been one of the counsel engaged in the cause, I can speak with some confidence respecting it, and I take upon me to assert that Lord Cochrane's conviction was mainly owing to the extreme repugnance which he felt to giving up his uncle, or taking those precautions for his own safety which would have operated against that near relation. Even when he, the real criminal, had confessed his guilt by taking to flight, and the other defendants were brought up for judgment, we, the counsel, could not persuade Lord Cochrane to shake himself loose from the contamination by abandoning him.

As regarded the Lord Chief Justice's conduct at the trial, none of us entertained any doubt that he had acted impartially, according to his conscience, and had tried it as he would have tried any other cause in which neither political nor personal feelings could have interfered. Our only complaint was his Lordship's refusal to adjourn after the prosecutor's case closed, and his requiring us to enter upon our defence at so late an hour, past nine o'clock, that the adjournment took place at midnight, and before we called our witnesses. Of course I speak of the trial at Guildhall only. Lord Ellenborough was equally to blame

with his brethren in the Court of King's Bench for that most cruel and unjustifiable sentence, which at once secured Lord Cochrane's re-election for Westminster when the Commons expelled him upon his conviction, and abolished for ever the punishment of the pillory, in all but one excepted case, perjury, in which also it has practically ceased to defile and disgrace our criminal jurisprudence.—"To cage a person of quality, or to set him in the pillory, upon account of any crime whatever, (said Adam Smith, half a century before this case occurred,) is a brutality of which no European government except that of Russia is capable."—('Mor. Sent.,' p. 11, § 3.)

In 1833, the government of which I was a member restored this great warrior to his rank of admiral in our navy. The country, therefore, in the event of hostilities, would now have the inestimable benefit of his services, whom none perhaps ever equalled in heroic courage, and whose fertility of resources, military as well as naval, place him high among the very first of commanders. That his honours of knighthood so gloriously won should still be withholden is a stain not upon him, but upon the councils of his country; and after his restoration to the service, it is as inconsistent and incomprehensible as cruel and unjust.

LORD CHIEF JUSTICE BUSHE.

ALTHOUGH I had not the advantage of knowing this eminent person in his judicial capacity, yet I had the great pleasure of his acquaintance, and I also upon one remarkable occasion saw him examined as a witness upon matter partly of fact and partly of opinion; it was before the Irish committee of 1839, in the House of Lords. The testimony of a judge thus given bears a close resemblance to the opinion which he delivers in Court and the directions which he gives to a jury. Acting in both capacities under the obligation of his oath, and in pursuit of nothing but the truth, it becomes him to pronounce, with most scrupulous fairness, the opinions which he states, to relate with the utmost precision the facts which he knows, and to weigh nicely every word which he uses in conveying his statement. No one who heard the very remarkable examination of Chief Justice Bushe could avoid forming the most exalted estimate of his judicial talents. Many of the questions to which he necessarily addressed himself were involved in party controversy, kindling on one side and the other great heats; yet never was a more calm or a more fair tone than that which he took and preserved throughout. Some of the points were of great nicety; but the discrimination with which he handled them was such as seemed to remove all difficulty, and dispel whatever obscurity clouded the subject. The choice of his words was most felicitous; it always seemed as if the form of expression was selected which was the most peculiarly adapted to convey the meaning, with perfect simplicity

and without the least matter of exaggeration or of softening. The manner of speaking each sentence, too, betokened an anxiety to give the very truth, and the slowness oftentimes showed that each word was cautiously weighed. There was shed over the whole the grace of a delivery altogether singular for its combined suavity and dignity. All that one had heard of the wonderful fascination of his manner, both at the bar and upon the bench, became easily credible to those who heard his evidence.

If we followed him into the circle of private society, the gratification was exceedingly great. Nothing, indeed, could be more delightful; for his conversation made no effort, not the least attempt at display, and the few moments that he spoke at a time all persons wished to have been indefinitely prolonged. There was a conciseness and point in his expressions which none who heard him could forget. The power of narrative which so greatly distinguished him at the bar was marvellously shown in his familiar conversation; but the shortness, the condensation, formed perhaps the feature that took most hold of the hearer's memory. They who passed one of his evenings with him and the Lions of the Law, during that visit to London will not easily forget an instance of this matchless faculty, and, at the hazard of doing it injustice, I must endeavour here to preserve it. He was describing a Gascon who had sent him wine, which was destroyed at the Custom House fire in Dublin, and he contrived to comprise in a few sentences, to all appearance naturally and without effort, his narrative of the proceeding, with two documents, and the point.—"He had sent me wine which was consumed in the Custom House fire, and he wrote to condole with me on the loss to the public, but especially of the wine, which, he said, he found was by law at the purchaser's risk. I answered, and offered as some consolation to him the assurance that by law it was at

the risk of the seller."—Some members of the Northern Circuit then present were reminded of a celebrated story which the late Mr. Baron Wood used to be called upon to relate, in exemplification of the singular conciseness, and, I may add, felicity, of his diction.*

But it is fit that we should turn to the merits of Chief Justice Bushe while in the earlier period of his life he filled a high station at the bar. His education had been classical, and he studied and practised the rhetorical art with great success in the Historical Society of Dublin University, an institution famous for having trained about the same time Lord Plunket to that almost unrivalled excellence which he early attained, and for having at a former period fostered and exercised the genius of Grattan, and Flood, and all the eminent Irish orators. The proficiency of Bushe may be estimated from the impression which Mr. Grattan confessed that the young man had made upon him. Having been present at one of the debates in the scene of his former studies, and heard Bushe speak, his remark was, "that he spoke with the lips of an angel." Accordingly, upon being called to the bar in 1790, he soon rose to extensive practice, and this he owed as much to his nice discretion, to the tact and the quickness which forms a *Nisi Prius* advocate's most important qualification, as to his powers of speaking. Of law he had a sufficient provision without any remarkable store of learning; nor did he ever either at the bar or on the bench excel in the black letter of the profession.

But his merit as a speaker was of the highest description. His power of narration has not, perhaps, been equalled. If any one would see this in its greatest perfection, he has only to read the inimitable speech on the Trimbleston cause: the narrative of Livy himself does not surpass that great effort. Perfect sim-

* It would be difficult to name any composition superior in this respect to the two Tracts of Mr. Baron Wood, on the Tithe Law and its defects. They were printed, but not published.

plicity, but united with elegance; a lucid arrangement and unbroken connexion of all the facts; the constant introduction of the most picturesque expressions, but never as ornaments; these, the great qualities of narrative, accomplish its great end and purpose; they place story and the scene before the hearer, or the reader, as if he witnessed the reality. It is unnecessary to add that the temperate, and chaste, and even subdued tone of the whole is unvaried and unbroken; but such praise belongs to every part of this great speaker's oratory. Whether he declaims or argues, moves the feelings or resorts to ridicule and sarcasm, deals in persuasion or invective, he never is, for an instant, extravagant. We have not the condensed and vigorous demonstration of Plunket; we have not those marvellous figures, sparingly introduced, but whensoever used, of an application to the argument absolutely magical;* but we have an equal display of chastened abstinence, of absolute freedom from all the vices of the Irish school, with, perhaps, a more winning grace of diction; and all who have witnessed it agree in ascribing the greatest power to a manner that none could resist. The utmost that partial criticism could do to find a fault was to praise the suavity of the orator at the

* Let no one hastily suppose that this is an exaggerated description of Lord Plunket's extraordinary eloquence. Where shall be found such figures as those which follow—each raising a living image before the mind, yet each embodying not merely a principle, but the very argument in hand—each leaving that very argument literally translated into figure? The first relates to the Statutes of Limitation, or to prescriptive title:—"If Time destroys the evidence of title, the laws have wisely and humanely made length of possession a substitute for that which has been destroyed. He comes with his scythe in one hand to mow down the muniments of our rights; but in his other hand the lawgiver has placed an hour glass by which he metes out incessantly those portions of duration which render needless the evidence that he has swept away."

Explaining why he had now become a reformer, when he had before opposed the question:—"Circumstances," said he, "are wholly changed; formerly Reform came to our door like a felon—a robber to be resisted. He now approaches like a creditor; you admit the justice of his demand, and only dispute the instalments by which he shall be paid."

expense of his force. John Kemble described him as "the greatest actor off the stage;" but he forgot that so great an actor must also have stood highest among his Thespian brethren had the scene been shifted.

In 1798, he came into Parliament. The great struggle of the Union was then beginning; he at once flung himself into the ranks of its adversaries; and the most splendid speech to which that controversy gave rise, after Mr. Plunket's, was made by Mr. Bushe. On the measure being carried, he had serious thoughts of removing to England, for he considered Dublin as now become a provincial town. The difficulties into which his honourable conduct in undertaking to discharge the debts of his family had placed him, prevented, in all probability, the execution of this plan, and in the course of a few years he first became Solicitor-General under Mr. Plunket and Mr. Saurin successively, and afterwards, in Lord Wellesley's first vice-royalty, he succeeded Lord Downes as Chief Justice of the King's Bench. All parties allow that amidst the fierce political contests which filled the period of nineteen years during which he was a law-officer of the crown, he performed his duty with perfect honour towards the Government, but with the most undeviating humanity and toleration towards their opponents in church or state. Nor has the breath of calumny ever tarnished the purity of his judicial character during the twenty years that he presided on the bench. He was stern in his administration of the criminal law, but he was as rigidly impartial as he was severe. In one particular he was perfect, and it is of great importance in a judge; he knew no distinction of persons among those who practised before him, unless it was to protect and encourage rising merit; for a young advocate was ever sure of his ear, even when the fastidiousness of veteran practitioners might disregard his efforts. This kindly disposition he carried with him from the bar, where he had been always remarkable for the

courtesy with which he treated his juniors; indeed, it went farther; it was a constant habit of protecting and encouraging them.

His oratorical excellence was plainly of a kind which might lead us to expect a similar success in written composition. Accordingly he stood very high among the writers of his day; so high that we may well lament his talents being bestowed upon subjects of an ephemeral interest. The work by which he is chiefly known as an author is the pamphlet on the Union, published in answer to the Castle manifesto, written by Mr. Under-Secretary Cooke. Mr. Bushe's tract is called '*Cease your funning*,' and it consists of a well-sustained ironical attack upon the Under-Secretary, whom it assumes to be an United Irishman, or other rebel, in disguise. The plan of such an irony is, for a long work, necessarily defective. It must needs degenerate occasionally into tameness; and it runs the risk every now and then of being taken for serious; as I well remember an ironical defence of the slave trade once upon a time so much failed of its object that some worthy abolitionists were preparing an answer to it, when they were informed that the author was an ally in disguise. No such fate was likely to befall '*Cease your funning*.' It is, indeed, admirably executed; as successfully as a work on such a plan can be; and reminds the reader of the best of Dean Swift's political writings, being indeed every way worthy of his pen.

It would be impossible to give any specimens of this far-famed pamphlet; but there is another, the production of his earlier years, which appears to me possessed of the greatest merit; it is an answer to Paine's 'Rights of Man;' and it would be hard to say whether the sound and judicious reasoning, or the beautiful and chaste composition, most deserve our admiration. Mr. Bushe was only four-and-twenty when this work appeared, and it is no exaggeration to

say that it deserves a place on the same level with Mr. Burke's celebrated 'Reflections.' To support such a panegyric, examples will be required; and I have no fear in appealing to such passages as the following, after premising that they differ in no respect from the rest of the work, which extends to above eighty pages.

"Any man who has studied the merits and enjoyed the blessings of the English constitution, cannot but be alarmed when the legislators of France ('these babes and sucklings in politics')* are held up in their cradle to the imitation of a country whose government adds the strength of maturity to the venerable aspect of age; a government which I trust will not be exchanged for a certain tumult in the first instance, and a doubtful reform in the second. I love liberty as much as Mr. Paine; but differ from him in my opinion of what it is—I pant not for the range of a desert, unbounded, barren, and savage; but prefer the limited enjoyments of cultivation, whose confines, while they restrain, protect us, and add to the quality more than they deduct from the quantity of my freedom; this I feel to be my birthright as a subject of Great Britain, and cannot but tremble for my happiness, when a projector recommends to level the wise and ancient land-marks, break down the fences, and disfigure the face of every inheritance. I have no wish to return to the desert in search of my natural rights. I consider myself to have exchanged them for the better, and am determined to stand by the bargain.

"These sentiments, my dear Sir, have tempted me to trouble you and the public with this book. The times are critical, and the feeblest exertion cannot be unwelcome, when a factory of sedition† is set up in the metropolis, and an assistant club sends an inflammatory pamphlet through the kingdom; when these

* An expression of Paine's applied to others.

† An Association had been formed in Dublin for the purpose of circulating Paine's book, at a low price, through the country.

state quacks, infecting their country at the heart, circulate, by fomenting applications, the poisons to the extremities, and reduce the price of the pestilence, lest the poverty of any creature should protect him from its contagion. The times are critical when such a book as Mr. Paine's appears, and the consequences would be fatal if its success were proportioned to the zeal of its author, or the assiduity of its propagators. It is a system of false metaphysics and bad politics. Any attempt to carry it into effect must be destructive of peace, and there is nothing practical in it but its mischief. It holds out inducements to disturbance on the promise of improvement, and softens the prospect of immediate disorder, in the cant of the empiric, '*You must be worse before you can be better.*' It excites men to what they ought not to do by informing them of what they can do, and preaches rights to promote wrongs.* It is a collection of unamiable speculations, equally subversive of good government, good thinking, and good feeling. It establishes a kind of republic in the mind; dethrones the majesty of sentiment; degrades the dignity of noble and elevated feelings; and substitutes a democracy of mean and vulgar calculation. In their usurpation, all the grace, and elegance, and order of the human heart is overturned, and the state of man,

> 'Like to a little kingdom suffers
> The nature of an insurrection'——"

The following passage is somewhat more ambitious and figurative, though not more terse and epigrammatic; and, though less severe, it cannot be justly charged with violating the canons of correct taste.

"If the institution of honours perfects and stimulates ambition, and that ambition looks beyond the grave,

* An instrument was sold in France for less than half a-crown, called "Droits de l'Homme." It concealed a cut-and-thrust sword, and looked like a common whip.

will not this perpetuation of the prize increase the emulation? Is there nothing to enhance our honour in the consideration that it is to be transmitted to the children of your affection, and that you are the ennobler of many? Is ambition fully gratified, or desert half rewarded by a distinction perishable as yourself, to be laid down ere it is well won, and to crumble into dust with your remains? Is the reward of merit to be intrusted to the ungrateful memory of mankind? Shall its reward be late and its enjoyment short? That deviation from strict justice is not very severe, and is certainly very politic, which indulges the manes of the father with the honours of the son, and forbids man, in the contemplation of his mortality, to look upon his inducements as insufficient, and his rewards as incomplete. The wreath of fame would not be worth the wear if it was not evergreen; and the laurel is its emblem because it does not wither. In these considerations I discover a probable and a wise origin of hereditary dignities, as far as their institution regards the person upon whom they were first conferred; in regard to him the reward of merit was enlarged; in regard to others the encouragement to exertion was increased. But the wisdom of hereditary dignities does not rest here. There is a principle in the heart of man which any wise government will encourage, because it is the auxiliary of virtue,—I mean the principle of honour which, in those moments of weakness when conscience slumbers, watches over the deserted charge, and engages friends in the defence of integrity. It is a sanction of conduct which the imagination lends to virtue, is itself the reward, and inflicts shame as the punishment. The audacity of vice may despise fear; the sense of reason may be steeled; art may elude temporal, and impiety defy eternal, vengeance; but honour holds the scourge of shame, and he is hard indeed who trembles not under its lash. Even if the publicity of shame be

avoided, its sanction is not destroyed. Every one suffers when ashamed of himself, and the blushes of the heart are agony. The dread of shame is the last good quality which forsakes the breast, and the principle of honour frequently retains it when every other instance of good conduct has abandoned the heart. This sentiment must ever be in proportion to a man's opinions of what is expected from him; and in proportion as he is taught that much is expected from him, will it swell in his bosom and sharpen his sensibility. I cannot therefore discover a mere '*diminutive childishness*'* in the institution of hereditary dignities, if they cherish this sentiment, and if this sentiment cherishes virtue; and France has '*breeched herself*'† into manhood to little purpose of good government in putting down the delusion, if delusion it is. An establishment is something more than '*puerile*,'‡ which gives encouragement to virtue, dignity to worth, adds the idea of great to good, and makes that splendid which was useful. Society was made for man; and, as man is various, and frail, and vain, it does not disdain to promote his happiness by playing on his foibles; its strength is armed against his fears; his hopes are fed by its rewards; and its blandishments are directed to his vanities. Virtue, coldly entertained in any other corner of the heart, will take a strong hold in the pride of man. She has often erected her temple on the coronets of a glorious ancestry, and the world has been indebted to the manes of the dead for the merits of the living."

The reader of these fine passages is at once reminded of Mr. Burke, and the best of his writings on the French Revolution and the frame of society. It is impossible to doubt that Mr. Bushe had deeply studied that great performance, and that he unavoidably, in treating the same subject, fell into a similarity of style, while he

* Paine's expression. † Ib. ‡ Ib.

felt a common sentiment with that illustrious author. But there is nothing servile in the imitation, if imitation it be; and of the thousands who have endeavoured to tread the same path, no one but he has been successful. Indeed, it may well be affirmed that, successfully to imitate Mr. Burke, asks Mr. Burke's own genius; and woe betide the wight who, without his strength, ventures to put on his armour. Among the various anecdotes* that have been preserved of the Chief Justice, there is no record of Mr. Burke having been made acquainted with the masterly performance of his fellow-labourer. He who eagerly opened his arms to the able and brilliant, but very inferior coadjutor, whom he found in Professor Wylde, must have received with delight such an ally as the author of this admirable book. It clearly contains not merely the germ and rudiments of the extraordinary, and in some sort peculiar, eloquence for which its author was afterwards so remarkable, but, with a few occasional exceptions in point of severity, a few deviations from simplicity, pardonable on such a subject, it exhibits that very diction itself which distinguished him—chaste and pure, addressed continually to the subject in hand, instinct with epigram, sufficiently but soberly sprinkled with flowers, often sharp with sarcasm, always akin to serious and wise reflection. When we reflect that this was the work of a very young man, the maturity and gravity of the style, as well as of the reasoning, be-

* In various periodical publications there have been accounts of Mr. Bushe at all times of his life. Some of these take him up as early as 1822, on his elevation to the bench; others come down to his retirement; and some have appeared since his death. I have, of course, consulted them all, as well as resorted to private sources of information. That upon some of them, at least, no reliance can safely be placed, is clear from the random way in which facts and dates are dealt with. What shall be said of the careful attention to this subject, of writers who make Lord Grenville's government be dismissed in 1803, and Mr. Bushe have been thirteen years at the bar when that dismissal happened; and who represent Mr. Sheridan as taking a part against the Coercion Bill in 1817, when he died in 1816, and had not been in Parliament since 1812?

comes exceedingly striking: and it is interesting to observe the impression which a perusal of it left on the author's mind after an interval of many years. He possibly felt some of that mortification which Sir Joshua Reynolds and other great artists are known to have expressed upon remarking the excellence of their earlier efforts, and being sensible how little their pencil had afterwards improved. Be that as it may, the following note lies before me in the Chief Justice's hand, dated August, 1831, and it may appropriately close these commentaries.

"I have read over," says his Lordship, "a pamphlet which I wrote in 1791, when a very young man, in my twenty-fifth year; and although my better, at least older, judgment and taste condemn some instances of hasty and erroneous opinions rashly hazarded, much superficial and inaccurate reasoning, and several puerilities and affectations of style, yet at the end of forty years, I abide by most of the principles which I then maintained, and consider the execution of the work, taken altogether, as better than anything of which I am now capable."

MARQUESS WELLESLEY.

If any one were desired to name the family in modern times which, like the Gracchi at Rome, peculiarly excelled all others in the virtues and in the renown of its members, there could hardly be any hesitation in pitching upon the illustrious house of which Lord Mornington, afterwards Marquess Wellesley, was the head. But I had the happiness of a long and uninterrupted friendship with that great man, and enjoyed more particularly his unreserved confidence during the last ten or twelve years of his life. It is fit, therefore, that I distrust my own feelings towards his memory; and in order to preserve impartiality, the first duty of an historian, but the most difficult in writing contemporary history, I shall confine myself in treating of him to the facts which are beyond all controversy, and which, indeed, are the best heralds of his fame.

The family of the Wellesleys originally came from Somersetshire, and by intermarriage with the Cowleys or Colleys, and by a devise from the Poles,* obtained large property in Ireland, where they were, in 1756, raised to the Peerage. About sixty years ago they took the name of Wellesley, which, I believe, was

* Lord Maryborough, on his brother's decease, Lord Mornington, was the person to whom this valuable gift was made by a gentleman distantly related to the family. His lordship was then a young midshipman, and was offered the fortune upon condition that he quitted the navy and came to reside with his kinsman. But this he refused, as the war still continued, and he thought leaving the service before the peace would be dishonourable. He supposed, as did his family, that there was an end of the benefaction; but the old gentleman declared by his will that such conduct only increased his esteem for the young man, and left him the Pole estate.

their more ancient appellation also in this country, that of Wesley being of recent date. The father of the present generation was a person of talents and virtue, and his taste in music being cultivated in an extraordinary degree, he was the author of some beautiful compositions, which still retain their place in the favour of the musical world. Dying while some of his children were very young, the care of their education was left to their mother,* a daughter of Lord Dungannon, and the family fortune being in considerable embarrassment, her merit in bringing them through some difficulties, training them to such excellence and such eminence as few families ever attained, exceeds all ordinary praise. This truly venerable matron was permitted by Divine Providence to reap the highest reward which such rare virtues as adorned her character can, in this stage of our existence, receive; for her life was extended to an extreme old age; she saw all the glories of Hindostan, of Spain, and of Waterloo; and left four sons sitting in the House of Lords, not by inheritance, but "by merit raised to that proud eminence."†

Richard, the eldest son, who at his father's death had nearly attained majority, was first sent to Harrow, where he took part in a great rebellion that had well-nigh proved fatal to the school. This occasioned his expulsion, and he then went to Eton, where he was distinguished above all the youths of his time. When Dr. Goodall, his contemporary and afterwards Head master, was examined in 1818 before the Education

* She was daughter of the first Viscount Dungannon. Her brother died before his father; and the second and late Viscount Dungannon was her nephew. Her father was son to the great-great-grandfather of the present Marquess of Downshire. Hence the relationship of the Wellesleys to the Downshire, Salisbury, and Talbot families.

† It is related of Lady Mornington, that on a crowd pressing round and obstructing her carriage when on a visit to the House late in her life, she said to Lord Cowley, who accompanied her, "So much for the honour of being mother of the Gracchi!"

Committee of the House of Commons respecting the alleged passing over of Porson in giving promotion to King's College, he at once declared that the celebrated Grecian was not by any means at the head of the Etonians of his day, and on being asked by me (as chairman) to name his superior, he at once said Lord Wellesley.* Some of his verses in the *Musæ Etonenses* have great merit, as examples both of pure Latinity and poetical talent. The lines on Bedlam, especially, are of distinguished excellence. At Christ Church, whither he went from Eton, and where he studied under Dr. W. Jackson (afterwards Bishop of Oxford), he continued successfully engaged in classical studies, and his poem on the death of Captain Cook showed how entirely he had kept up his school reputation: it justly gained the University prize. In his riper years he retained the same classical taste which had been created at school and nurtured at College. At no time of his life does it appear that he abandoned these literary pursuits, so well fitted to be the recreation of a mind like his. On the eve of his departure for the East he wrote, at Mr. Pitt's desire, those beautiful verses on French conquest, which were first published in the 'Anti-Jacobin,' and of which the present Lord Carlisle,† a most finished scholar and a man of true poetical genius, gave a translation of peculiar felicity. Nor did the same taste and the same power of happy and easy versification quit him in his old age. As late as a few weeks before his death he amused himself with Latin verses, was constant in reading the Greek orators and poets, and corresponded with the Bishop of Durham upon a favourite project which he had formed of learning Hebrew, that he might be able

* Some one of the Committee would have had this struck out of the evidence, as not bearing upon the matter of the inquiry, the Abuse of Charities; but the general voice was immediately pronounced in favour of retaining it, as a small tribute of our great respect for Lord Wellesley; and I know that he highly valued this tribute.

† 1843.

to relish the beauties of the Sacred writings, particularly the Psalmody, an object of much admiration with him. His exquisite lines* on the 'Babylonian Willow, transplanted from the Euphrates a hundred years ago,' were suggested by the delight he took in the 137th Psalm, the most affecting and beautiful of the inspired king's whole poetry. This fine piece was the production of his eightieth year.

At Oxford he formed with Lord Grenville a friendship which continued during their lives, and led to his intimacy with Lord Grenville's great kinsman, Mr. Pitt, upon their entering into public life. That amiable man was sure to set its right value upon a heart so gentle, a spirit so high, and accomplishments so brilliant as Lord Wellesley's; but it is perhaps one of the most striking proofs which can be given of the fearless confidence reposed by the young minister in his own resources, that at a time when the phalanx of opposition was marshalled by no less men than Fox, Burke, Windham, and Sheridan, and when he had not a single cabinet colleague ever heard in debate, nor indeed any auxiliary at all save Lord Melville, he never should have deemed it worth his while to promote Lord Wellesley, whose powers as a speaker were of a high order, and with whom he lived on the most intimate footing. The trifling place of a puisne Lord of the Treasury, and a member of the India Board, formed all the preferment which he received before his appointment as Governor-General of India, although that important nomination sufficiently shows the high estimate which Mr. Pitt had formed of his capacity.

In the Lord's House of the Irish Parliament Lord Wellesley (then Lord Mornington) first showed those great powers which a more assiduous devotion to the rhetorical art would certainly have ripened into an oratory of the highest order. For he was thoroughly imbued with the eloquence of ancient Greece and

* *Salix Babylonica.*

Rome, his pure taste greatly preferring, of course, the former. The object of his study, however, had been principally the four great orations (on the Crown and the Embassy); and I wondered to find him in his latter years so completely master of all the passages in these perfect models, and this before the year 1839, when he began again to read over more than once the Homeric poems and the orations of Demosthenes. I spent much time with him in examining and comparing the various parts of those divine works, in estimating their relative excellence, and in discussing the connexion of the great passages and of the argument with the plan of each oration. But I recollect also being surprised to find that he had so much neglected the lesser orations; and that, dazzled as it were with the one which is no doubt incomparably superior to all others as a whole, he not only for some time would not allow his full share of praise to Æschines, whose oration against Ctesiphon is truly magnificent, all but the end of the peroration, and whose oration on the Embassy excels that of his illustrious rival—but that he really had never opened his eyes to the extraordinary beauties of the Philippics, without fully studying which I conceive no one can have an adequate idea of the perfection of Demosthenean eloquence, there being some passages of fierce and indignant invective more terrible in those speeches than any that are to be found in the Ctesiphon itself. Of this opinion was Lord Wellesley himself ultimately; and I believe he derived fully more pleasure of late years than he had ever done before from his readings of those grand productions.

Upon this admirable foundation, and with the pure and chastened taste which he thus had to direct his efforts, he could well erect a fine superstructure. For he had a fervent animation, a great poetic force, a mind full of sensibilities, a nature warm and affectionate; and the clearness of his understanding enabled

him both to state facts and to employ arguments with entire success to a refined audience: in the proceedings of none other did he ever take a part. His powers of composition were great; and he adopted the true method of acquiring the faculty of debating, as well as of excelling in oratory,—he studied his speeches carefully, and frequently committed his thoughts to writing. But he had no mean talent for declamation. In the Irish Parliament he attached himself to the party of Mr. Grattan, then in the midst of his glorious struggle for the independence of his country. That great man quickly estimated his value; and remained affectionately attached to him through life, although they were thrown afterwards into opposite parties. On removing to England he became a member of our House of Commons, where he was uniformly connected with Mr. Pitt, by private friendship as well as similarity of opinions; and when the French Revolution, and the principles propagated by it in this country, threatened the subversion of our mixed government, and the trial of the most perilous of all experiments, a pure democracy in a country unprepared for self-government, the talents of Lord Wellesley shone forth in a powerful resistance to the menacing torrent.

The great speech which he delivered in January, 1794, upon the enormities of the French Revolution and the impossibility of making peace with their authors and directors, made an extraordinary impression at the time. It was, indeed, the most striking and masterly exposition which had ever been presented of the subject; and it went so elaborately into the details of the whole case, that the attacks made by his opponents consisted mainly of likening it to a treatise or a book. The value of such a piece is to be estimated by regarding it as a whole, and not by particular passages. It has the highest merit as a luminous and impressive statement, accompanied by sound reasoning on the facts disclosed, and animated appeals to the feelings

they were calculated to excite. The texture of the whole is artistly woven; and the transitions are happy and natural. To give any samples of such qualities would manifestly be impossible. But the peroration may be read and admired:—

"All the circumstances of your situation are now before you. You are now to make your option; you are now to decide whether it best becomes the dignity, the wisdom, and the spirit of a great nation, to rely for her existence on the arbitrary will of a restless and implacable enemy, or on her own sword. You are now to decide whether you will intrust to the valour and skill of British fleets and British armies, to the approved faith and united strength of your numerous and powerful allies, the defence of the limited monarchy of these realms, of the constitution of parliament, of all the established ranks and orders of society among us, of the sacred rights of property, and of the whole frame of our laws, our liberties, and our religion; or whether you will deliver over the guardianship of all these blessings to the justice of Cambon, the plunderer of the Netherlands, who, to sustain the baseless fabric of his depreciated assignats, defrauds whole nations of their rights of property, and mortgages the aggregate wealth of Europe;—to the moderation of Danton, who first promulgated that unknown law of nature which ordains that the Alps, the Pyrenees, the Ocean, and the Rhine should be the only boundaries of the French dominions;—to the religion of Robespierre, whose practice of piety is the murder of his own sovereign, who exhorts all mankind to embrace the same faith, and to assassinate their kings for the honour of God;—to the friendship of Barrère, who avows in the face of all Europe that the fundamental article of the revolutionary government of France is the ruin and annihilation of the British empire;—or, finally, to whatever may be the accidental caprice of any new band of malefactors, who, in the last convulsions of

their exhausted country, may be destined to drag the present tyrants to their own scaffolds, to seize their lawless power, to emulate the depravity of their example, and to rival the enormity of their crimes."

It is, however, not as an orator that this eminent person must be regarded; for, before he had attained the height which he was destined to reach in Parliament, he was sent out to govern our Indian dominions. His administration of that great empire, unparalleled in history, the wisdom of his councils, his promptitude of execution, his rare combination of the highest qualities of the statesman, whether in peace or war, the "*consulto*" united with the "*mature facto*,"* and the brilliant success which crowned all his operations, furnish not merely matter of interesting reflection, but of most useful instruction to all succeeding rulers. Nor can anything be more fortunate than the access which the publication of his 'Despatches' has given to the whole conduct of his splendid administration. It becomes, therefore, a duty of the historian who would record its annals to dwell somewhat in detail upon these things, for the sake of the valuable lessons which a study of them is fitted to impart. To this I shall now proceed; and it is an additional inducement to the work, that we thus shall have an opportunity of nearly observing the character and conduct of by far the most considerable of the statesmen whom the East has in modern times produced—Tippoo Sultan.

It is necessary that we should first of all examine the position of the British power in India with respect to its neighbours, or, what amounts to nearly the same thing, the force with which it had to cope, and by which it might expect to be assailed; in a word, the balance of power in the peninsula when Lord Wellesley assumed the government. We must there-

* "Nam primum opus est consulto; et ubi consulueris, opus est mature facto."—SALLUST.

fore begin by shortly considering in what state the events of 1791 and 1792 had left it.

The general outline of Indian affairs is sufficiently familiar to most readers. Whether for good or for evil to this country men have doubted, and may still dispute—whether for good or for evil to the natives of India, now that the exaggerations of oratory and the distortions of party ingenuity have been forgotten, no man of ordinary understanding can raise any question—a footing had been at first slowly acquired, afterwards rapidly extended, by Great Britain in the Indian peninsula, and was maintained by a small numerical force of our countrymen, but with the consent, at least the entire submission, of a vast body of the people, and with the concurrence and the help of many native powers, whose hostility among themselves we had turned to our advantage with great skill, and with pretty uniform success. It had long ceased to be a question whether or not this empire could be abandoned. Humanity towards our native subjects and our allies, as well as justice towards our own countrymen, forbade all thoughts of that description, even at times when there seemed a very general impression among our rival statesmen that the East Indian patronage was productive of such peril to the constitution of the government at home, and the whole subject of Indian affairs was beset with such inextricable difficulties, as justified a wish that we had never set foot on the banks of the Ganges. To continue in the same position, and to abstain from all extension of a dominion already enormous, was therefore the only kind of moderation to which recourse could be had; and it is hardly necessary to observe, that even this was a resolve much easier to make than to keep by. For, suppose ever so fixed a purpose to be entertained, that no consideration should tempt us to increase our dominions, no man could maintain such a resolution inflexibly in all circumstances, and indeed

least of all in the very event most likely to happen, namely, of some neighbouring state, after having greatly increased its force, attacking us, or overpowering our allies, or even only menacing us, and endangering our existence, should no measures be adopted of a counteracting tendency.

In truth, we had gotten into a position from which, as it was impossible to retire, so was it not by any means within our own power to determine whether we should stand still or advance; and it might happen that the only choice was a total abandonment of our dominion, or an extension of its boundaries. No doubt such an argument as this is liable to great abuse; it has often been employed to justify acts of glaring national wrong. But everything depends upon the circumstances in which it is urged, and the particulars of the case to which it is applied. Nor is it now stated with any reference to Lord Wellesley's proceedings in 1798 and 1799; these rest upon wholly different grounds. The present purpose is to explain the conduct of Lord Cornwallis ten years before; and it can hardly be denied that he was left without a choice as to the course he should take, and that the war and the treaty which closed it were rather to be regarded as necessary measures of self-defence, than acts of aggression and of conquest. That they were so considered, that they were defended upon this ground, there can be no doubt; for although reference was made to the attacks by Tippoo upon our ally the Rajah of Travancore, it is quite clear that this alone did not justify the course which we pursued. The first attack had been repulsed: Tippoo had not repudiated our interference, but, on the contrary, had set up a claim of right, grounded on what we ourselves distinctly admitted to be a gross misconduct of the Rajah; and, before the second attack the Rajah had, in fact, become the aggressor, by invading the Mysore camp. Besides, if our whole

object was to defend our ally, the success which early attended our operations had enabled us to attain that end with ease; and we derived no right from any such consideration to continue the war, as we did, for three years, refusing all offers of the enemy, and only consenting to make peace under the walls of his capital upon the terms of his giving up one-half of his dominions. But the true defence of our proceedings, and that which was by no means kept back at the time, was the dangerous policy of the enemy—the resources at his command, and which he had shown in the clearest manner a fixed determination to employ, first against our allies, and then against ourselves —the imminent hazard to which our existence in the East was exposed as long as such power remained in the hands of a chief bent upon using it to our destruction. Indeed, the principal ground of complaint against the war was much less its injustice than its impolicy; the view taken of our interest in those parts being that which, twenty years before (in 1770), had been sanctioned by the authority of some of the local governments, namely, the expediency of acting with the Sultan of Mysore against the Mahrattas, and regarding the latter as the more formidable adversary; a view which may fairly be said to have become as obsolete in 1790, and as ill suited to the altered circumstances of the times, as the policy of Queen Elizabeth with respect to the Spanish crown would have been at the same period in the management of our European concerns.

We may remark further upon that war, the strong testimony in its favour derived from the bare fact of Lord Cornwallis having been its promoter. The justly venerated name of that prudent and virtuous statesman affords a kind of security for the integrity, and, above all, for the moderation of any line of conduct which had the sanction of his adoption. His Indian administration, so far from having ever been

deemed any exception to his well-established character, was admitted by politicians of all classes, at a time when party ran highest upon the affairs of the East, to have been so exemplary, that his last appointment, in 1805, to be Governor-General was the source of universal contentment in England, as well as India; and his loss, which so soon followed, was by all parties regarded as a great public calamity. When it is considered that such was the deliberate and unanimous opinion of our statesmen regarding the course formerly pursued by this excellent person, after so long a time had been given for reflection, and such ample opportunity afforded of learning lessons from experience; and above all, when this opinion was entertained at the very moment that the controversy raged the most vehemently upon the more recent measures of Lord Wellesley, there seems no escaping the conclusion that an unhesitating judgment was pronounced in favour of the policy pursued in 1789 and the two following years; and, for the reasons already referred to, this judgment could only be rested upon the necessities of our situation in the East, with relation to the Mysore, its ruler, and our allies.

The peculiar circumstances which made Tippoo so formidable a neighbour are known to most readers. He ruled with absolute power over a highly fertile and populous country, of near two hundred thousand square miles in extent; from whence he raised a revenue of five millions sterling a-year, and an army of 150,000 men. Although the latter were very inferior in effective force to European troops, the revenue was equal to thrice as much in this country; and it was accumulating yearly in a treasure ready for the emergencies of war, while his soldiers were rapidly improving in discipline, and becoming every day more fit to meet ours upon equal terms. To his artillery he had given the greatest attention, and he had so formed his corps of gunners and elephants,

that he could move a train of a hundred guns to any point with a rapidity unequalled in those countries by any other power. To these great elements of strength must be added the daring, subtle, and politic nature of the man, one of the most remarkable that have appeared in modern times. His ferocious tyranny to his own subjects; his cruel delight in religious persecution, which increased his power with the other bigots of his own persuasion; his inextinguishable hatred of the English, whom he had from his cradle been taught to regard as the implacable enemies of his family—these, though they undoubtedly form dark features in his character, augmented rather than lessened his influence in the peninsula, and made him an object of terror to all whom admiration of his better qualities—his valour, perseverance, address, and patriotism—might fail to captivate. Although his fierce Mussulman zeal alienated him from all Christian nations, yet did his still fiercer animosity against the English so far conquer or assuage his fanaticism as to make him court whatever power was hostile to our interests; and accordingly his constant endeavour was to gain the friendship and co-operation of France, from which he expected to derive the means of working our overthrow, and indeed of exterminating the British name in the East. On the eve of the Revolution he had sent a great embassy to Paris, with the view of forming an alliance for offensive purposes; and one of the ministers of Louis XVI. (Bertrand de Molleville) has declared that a most tempting proposal was made to the servants of that unfortunate prince in 1791, with great secrecy, and which they were disposed to receive favourably; but that Louis regretted too much the consequences of his former interference in our colonial affairs, and was then too bitterly reaping the fruits of it, to embark again in similar enterprises, even supposing that the internal state of his dominions had left him the option.

There can, I conceive, be no manner of doubt that the war of 1789 with this powerful and implacable enemy, though it effected a mighty diminution of his strength, yet left him more rancorous than ever in his hatred, and sufficiently strong to be regarded still as by far our most formidable neighbour. The cession of half his territories to the Company and its allies, the Nizam and the Mahrattas, had been extorted from him by main force, when many of his principal fortresses were taken, his capital closely invested, and an assault impending, the issue of which the preceding successes of our troops before the place made no longer doubtful. Yet so bitter was the cup then held to his lips, that even in his extremity he flew back from it, broke off the treaty, after two of his three eldest sons had been given into our hands as hostages, and prepared for a last effort of desperate resistance—when, finding that it was too late—that our position made the fall of Seringapatam inevitable, and that his utter destruction was the certain consequence of further refusal, he agreed to whatever was demanded, and, in the uttermost bitterness of spirit, suddenly signed the instrument. Such a personage, in such a frame of mind, though stripped of half his dominions, was very certain to turn the remainder into means of more persevering annoyance, and only to desire life that he might, on some future day, slake his thirst of vengeance. The country which he retained was full of strong places, and bordered upon our dominions in the Carnatic by so many passes that Madras could hardly ever be reckoned secure from his attack. His territory was centrally situated, between our settlements upon the two coasts, so as to command the line that joined them. He still possessed his capital, a place of prodigious strength, and which he could again fortify as he had done before. His despotic power placed the whole resources of a rich country at his absolute disposal, and the six years that followed the peace of

Seringapatam were actively employed in preparing for that revenge which, ever since the disasters of 1792, had been burning in his breast. This is what might naturally have been expected, and it was certainly found to have taken place. But the course of events had still further favoured his designs. The dissensions among the other native princes, and rebellions in the dominions of some, had greatly reduced their strength, while his kingdom had enjoyed a profound peace; and, unfortunately for the English interest, our chief ally, the Nizam, had been so much reduced in his strength and reputation by a disastrous war with the Peishwah, and by a very disgraceful peace which he had been compelled to make, that, as regarded our relative position, the Mysore might be almost said to have gained whatever had been lost to the Deccan. The state of affairs in France, too, had materially changed since 1791. There was no longer the same indisposition to engage in schemes of Indian aggression; and, although our superiority at sea made the arrival of French auxiliaries extremely difficult, it clearly appears that, before the expedition to Egypt, and independently of any hopes which he might build upon its successful issue, or upon the permanent establishment of the French in that country, Tippoo had entered into communication with the government of the Mauritius, for the purpose of furthering his favourite design of obtaining their assistance to revenge himself upon the English settlements. The resort of French officers to his service had long placed at his disposal able engineers, as well as other military men: and his troops never were in so high a state of discipline, nor his army so well appointed in all respects.

But it was not merely in his own dominions that he had important help to expect from his French connexions. Other native princes had adopted the same policy, and our ally, the Nizam, more than any. He

had a corps of 1,500 men under M. Raymond, a French Commander, who had served in the war of 1789, and this had since been increased to above 10,000, whose officers were almost all French, and partook of the exasperation which unhappily at that time prevailed between the two countries—using every endeavour to undermine our influence at Hyderabad, and so little to be relied on in case of their services being required by our ally against Tippoo, that he might rather reckon upon them as friends than prepare to meet their hostility. Some alarm had been felt upon this head in the campaign of 1792; and although at that time the corps of Raymond was comparatively insignificant in amount, it had nevertheless been deemed, even then, necessary to make the Nizam take into his pay two other corps, one under an Irish, the other under an American officer, to serve as counterpoises to the French, upon the supposition that in the latter Tippoo had natural allies. In 1798, the Irishman's battalion remained at Hyderabad, but numbered no more than 800 men; the American's had been disbanded, and had passed into the service of the Mahrattas; Raymond's, which had increased so much that it formed the bulk of the Nizam's army, was ordered by him to be still further reinforced, and carried to 14,000. It was recruited, in the proportion of a third of its number, from our territories in the Carnatic, and by desertion from our regiments; no pains were spared by its officers to promote this spirit whenever its detachments were near the Madras frontier; and a constant correspondence was maintained by it with the French troops in Mysore. Its influence on the court of Hyderabad was so great as to alarm that minister of the Nizam who was more than the rest in the interest of England. Finally, Tippoo looked to an invasion of our northern provinces, and those of our Mahratta allies, by Zemaun Shah, the sovereign of Caubul, with whom he had

opened a communication, and who had recently succeeded, with but little opposition, in penetrating as far as Lahore, where he was stopped by some dissensions breaking out in his own dominions. The state of our affairs in Oude rendered that province a source of weakness, and compelled us to maintain an extraordinary force there. The Mahrattas had been extremely weakened by quarrels among themselves; and their chief state, that under the Peishwah, had been so crippled by a succession of internal revolutions, that in the event of aid being required against Mysore, little prospect was held out of any effectual co-operation from this quarter; while there, as in every court of India, the intrigues of Tippoo had been unremittingly employed to undermine our influence, and to stir up direct hostility against us.

It was in this state of affairs that Lord Wellesley assumed the government of India. He arrived at the Cape of Good Hope, on his way out, in February, 1798. He deemed it expedient to open the India House despatches, which he met on their passage to Europe; and he found at the Cape, by a fortunate accident, Major Kirkpatrick, a gentleman of great experience and ability, and who had been the British resident both at the court of the Nizam and of Scindiah. The information which Lord Wellesley received regarding the state of Indian politics from him, and from the despatches, appears to have immediately laid the foundation of the opinions which he acted upon throughout the difficult crisis that ensued. Indeed, there is nothing more remarkable in these transactions than the statements which he transmitted from the Cape. He evidently had there made up his mind upon the line of policy which it was fitting to pursue, in order to restore the British influence among the native powers, to emancipate our allies from French influence, and to place them in circumstances that might enable them to maintain their independence

and fulfil their engagements with us. The first and most important of his operations when he arrived in India—the one, indeed, which enabled him to attempt all the rest—was the reduction of the corps of Raymond; and we find in the despatches from the Cape a very distinct statement of the necessity of this operation, and of his determination to substitute for Raymond's corps an additional British force, and resolutely to prevent its increase until that substitution could be enforced. The general outline of the policy which he afterwards pursued with respect to other powers is also very plainly sketched in these memorable despatches from the Cape; and, as far as regarded Tippoo, although at the time no information had reached Lord Wellesley or the Government of any acts of hostility, or even of any preparations for a rupture, the course of conduct fit to be held with respect to him is pointed out distinctly.—"My ideas on this subject," says his Lordship, "are, that as on the one hand we ought *never to use any high language towards Tippoo, nor ever attempt to deny him the smallest point of his just rights*, so, on the other, where we have distinct proofs of his machinations against us, we ought to let him know that his treachery does not escape our observation, and to make him feel that he is within the reach of our vigilance.—At present it appears to me that he is permitted to excite ill-will against us wherever he pleases, without the least attempt on our part to reprehend either him for the suggestion, or the Court, to whom he applies, for listening to it."*

Lord Wellesley proceeded from the Cape to Madras, where he remained some weeks, in order to superin-

* It is a remarkable, and I believe an unexampled circumstance, showing how accurately Lord Wellesley's opinions and plans were formed, that whole pages of his Minute, 12th August, at Calcutta, explaining his views, after they were perfected by a six months' residence in the country, are taken from the letters written by him at the Cape in February!

tend the execution of the measures directed to be pursued with respect to a change in the sovereignty of Tanjore. But it subsequently appears that this visit was of material use in giving him an accurate view of the character, talents, and dispositions of the principal persons concerned in the government of that presidency. There are few more striking documents among his despatches than the letter containing an account of these persons which he sent to Lord Clive (afterwards Lord Powis), the new governor, soon after his arrival; and there can be no doubt that Lord Wellesley's personal observation of the individuals led him at once to detect the quarter from whence an attempt afterwards proceeded to thwart his designs, and enabled him to counteract and to frustrate it. Having incidentally adverted to this topic, it is fit that justice should be rendered to the conduct of the two principal persons at that station — Lord Clive and General Harris. No one can rise from a perusal of the Indian correspondence without forming a very high opinion of the admirable good sense, and steady resolution to sacrifice all private feelings to the interests of the service, which guided the whole conduct both of the governor and commander-in-chief. Both of them appear at once to have felt and obeyed the influence of a superior mind when the plans of Lord Wellesley were unfolded to them. His firmness, indeed, his confidence in his own resources, and his determination to carry through his own measures, were tempered on all occasions by the greatest urbanity and kindness of demeanour towards those coadjutors. Nevertheless, persons of less good sense, and less devoted to the discharge of their duty, would have been apt to make difficulties upon occasions when serious hazards were to be encountered, and men of a mean disposition, and a contracted understanding, would not have failed to play the part in which such persons commonly excel, prompted by envy, or even

a preposterous jealousy, where the utter absence of all equality makes it ridiculous—that of carping, and complaining, and repining, and creating difficulties; whereas those able and useful servants of the state showed as much zeal in executing the Governor-General's plan as if all his measures had been their own.

About the beginning of June, soon after his arrival at Calcutta, Lord Wellesley received intelligence of a proclamation having been issued at the Mauritius by General Malartic, the French governor, and was furnished with a copy of that document. In the course of a fortnight its authenticity was proved beyond all doubt; and its importance was unquestionable. It announced the arrival of ambassadors from Tippoo; his offer to the Executive Directory of an alliance, offensive and defensive, against the English power; his demand of assistance; and his engagement to declare war as soon as it should arrive, for the purpose of expelling us from India; and it called upon the inhabitants of the colony to form a force, which should be transported to Mysore, and taken into the Sultan's service. It was ascertained that the ambassadors had given the most positive assurances in their master's name of his determination to act as the proclamation stated—had obtained the aid of a certain inconsiderable number of French officers and men—had returned with these in a French ship of war—and had presented them to Tippoo, who immediately took them into his service, having also received the ambassadors on their arrival with marks of distinction. His army was known to be on the footing of a war-establishment; that is to say, it was constantly in the field, excepting in the monsoon season, and amounted to between 70,000 and 80,000 men, beside a numerous and well-appointed artillery; and the discipline of the infantry, in particular, had been of late very carefully improved. His treachery,

exceeding even the measure of perfidy proverbially common to Eastern courts, had been displayed in the letters sent to the Government at Calcutta, both before Lord Wellesley's arrival, and also to himself, some of them on the very day when proceedings were taken in the negotiations with France. His intrigues with the native courts, and with Zemaun Shah, had likewise been discovered; and they all pointed to the same object—the attack of our settlements the moment he was ready and saw any prospect of success.

In these circumstances Lord Wellesley's determination was immediately taken, to attack him without delay, unless he gave such ample security as should preclude all risk from his aggression when his plans should be matured, and he should receive the further assistance which he expected—security which there was little, if any, reason to suppose he would agree to, after the agonies he had experienced from his losses in the last war. The plan which his Lordship had formed, in the event of hostilities, was to seize the Sultan's portion of the Malabar coast, by marching one army from Bombay; to move another force from the Carnatic upon Seringapatam; and thus compel him both to give up that part of his dominions which enabled him to maintain his intercourse with France, and to dismiss all French officers and men from his service; to receive residents from us and from our allies, which he had, for obvious reasons, uniformly persisted in refusing; and to defray the expenses of the war. But upon examining the condition of the Company's resources, both military and financial, it was found quite impossible to undertake these operations so as to finish the war in one campaign. The Bombay establishment might, though with difficulty, have been able to bear its share of them; but that of Madras, on which the greater movement depended, was so crippled as to make it impossible for a sufficient force to march upon Seringapatam. Of ultimate

success Lord Wellesley entertained no doubt; but he wisely judged that it would be unjustifiable in every view to undertake a war which could not, to a reasonable certainty, be finished within the season.

And now, let me claim the reader's best attention, while I endeavour to lay before him a sketch of that admirable combination of means by which the whole plan was not only successfully executed the next year, but by which its success appears to have been rendered as nearly a matter of absolute certainty as anything in politics and in war can be. It will be seen that the designs of Tippoo were met and counteracted, and even the possibilities of his defeating our schemes were prevented by the adoption of a systematic course of policy in almost every quarter of India, in the native courts as well as in our own settlements; that he was, as it were, surrounded in all directions, so as to cut off each chance of escape; that he was guarded against in every avenue by which he might assail us, so as to be deprived of all means of offence; that wherever he turned to intrigue against us, there he found our agents on the watch, and our influence fortified—wherever common interests or common feelings gave him a prospect of succour, there a watchful and provident care had neutralized those natural advantages—wherever actual hostility to us had made ready for him some coadjutor, there a timely vigour, there a clear perception of the end, a determined will in choosing the means, and the prompt and unflinching use of them, paralyzed his expected ally, if it failed to make him an enemy.

And first of all, in order to estimate the merits of the policy which we are going to survey, it is requisite that a clear idea be formed of the object in view. It was to reduce the Sultan's power, by taking advantage next year of the cause of war already given by him, unless he could be made, in the meantime, to give the satisfaction and security required. But the army

on the Madras establishment was incapable of defending that territory, much more of acting against Mysore. The funded debt of the Company had trebled within a few years, and their credit was so low, that eight per cent. paper was at a discount of eighteen and twenty per cent.; and even twelve per cent. paper at a discount of four. The Nizam and the Peishwah were our two allies, bound to act with us against the Sultan. But the former, as we have seen, was reduced to a state almost of insignificance, and was in the hands of a military force favourable to Tippoo. The latter was still more crippled, and had a victorious rival in possession of the chief part of his territory, with an army which had subdued him. I allude to Scindiah, who had for a considerable time left his own country situated in the north, between the Jumna and the Nerbudda, and taken post at Poonah, the Peishwah's capital. Then it became part of Lord Wellesley's object, and without which the rest must fail, to restore those two powers to independence, and make the aid of one, if not both, available to us, while neither should be suffered to act against us. Again, Scindiah himself was accessible to Tippoo's arts, and over him some check must be provided. It was indeed found that both he and the Peishwah were secretly hostile to us; and Scindiah, in particular, was in negotiation with the deposed Nabob of Oude, to overthrow our influence in the north, by restoring that prince, and dethroning the Nabob Vizir, whom we had raised to the throne. Next, there was the threatened invasion of Zemaun Shah, who had prepared to cross the Attock, and was within six weeks' march of Delhi, maintaining by correspondence a friendly intercourse with Tippoo, and little likely to be opposed either by the Seiks or the Mahrattas. It became necessary, therefore, to secure the north against this double danger, both from the Shah and from Scindiah; from the former, if Scindiah remained in the Deccan, abandon-

ing his own dominions to the invader; from the latter, if the Shah either retreated or was repulsed by the Mahratta power. Add to all these difficulties, that which appears to have greatly disconcerted Lord Wellesley at one moment, the prevailing despondency of leading men at Madras, who had formed so exaggerated an estimate of the danger attending a rupture with Mysore, through a recollection of what the Carnatic had formerly suffered from its proximity to the enemy, and had so lively a feeling of the weakness of their present establishment, that they arrived at a very singular and unfortunate opinion. They maintained that no preparation, even of a prospective nature—no increase, even of the means of defence—should be attempted, because no activity of exertion could enable them to resist the enemy, and any appearance of arming would only draw down upon them an immediate invasion.

Lord Wellesley's first proceeding was to put down with a strong hand the resistance which he met with on the part of those who held this extraordinary doctrine, and whose argument, as he most justly showed, against the prudence of preparing for defence, would become stronger every day as Tippoo's hostile preparations advanced, until at length we should be reduced to the alternative either of implicit submission, or of being destroyed when and how the Sultan pleased. He therefore directed the army to be assembled in the Carnatic without delay; he showed in what consisted the want of efficiency complained of, and applied the remedy, by giving directions to alter the system of supplying draught cattle; he directed the proper stores for a campaign to be prepared and established on the Mysore frontier; he made the European troops be moved to garrisons in the same quarter, while the native forces should be collected in the field, and ready to act in case of invasion; and he despatched a supply of specie from Bengal, together with such force

of soldiers and marines as could be immediately spared. The resistance offered at Madras was met with temper, but with perfect firmness, by the Governor in Council at Calcutta.—"If," say they, after referring to the remonstrances of the Council at Madras, "if we thought it proper to enter with you into any discussion of the policy of our late orders, we might refer you to the records of your own government, which furnish more than one example of the fatal consequences of neglecting to keep pace with the forwardness of the enemy's equipments, and of resting the defence of the Carnatic, in such a crisis as the present, on any other security than a state of early and active preparation for war. But *being resolved to exclude all such discussions from the correspondence of the two governments*, we shall only repeat our confidence in your zealous and speedy execution of those parts of the public service which fall within the direct line of your peculiar duty."

Lord Wellesley, while this correspondence proceeded, had carried on the operation of most importance in his foreign policy—the restoring and improving our relations with the Nizam and the Peishwah. Nothing could be more signal than the success of this policy as regarded the Nizam, and it proved the hinge upon which all his subsequent measures turned. By negotiations with that prince and his minister, admirably planned, and ably conducted through Major Kirkpatrick, a treaty was concluded for increasing the English subsidiary force, and disbanding the corps formerly commanded by Raymond, and since his death (which had lately happened) by Piron. It was part of this treaty that the French officers and men should be sent to Europe by the Company, and that no Frenchman should again be taken into the Nizam's service. But the consent of the corps itself was to be obtained; and it is needless to add, that his Lordship's design was to have that without asking for it. Accordingly, while the negotiation was going on,

the additional subsidiary force of three thousand men was moved to the Guntoor Circar, a portion of the Deccan ceded to the Company in 1778, and which lies near to Hyderabad, the capital of the Nizam. This force, as soon as the treaty was signed, marched to Hyderabad, and was joined by two thousand of the Nizam's cavalry. A mutiny having broken out in the French corps, advantage was judiciously taken of this to surround and disarm it, which was effected without any bloodshed. The greatest courtesy and kindness was shown towards the officers, who were immediately embarked with all their property (their arrears of pay having been settled through the intervention of the English resident), and sent first to Calcutta, and afterwards to France, not being treated as prisoners of war. This most important proceeding at once gave a new aspect to our affairs in the peninsula. The Nizam was restored to independence, and became our firm friend; his power was materially increased; for Lord Wellesley's protection of him against the Peishwah and Scindiah, if it did not enable him to resume that station which he had lost since the war of 1795, yet gave him the means of effectually aiding the contemplated operations, and secured him from the possibility of becoming a prey either to Tippoo or his coadjutors. But the effect of the change at Hyderabad was not confined to the Deccan—it was felt all over India, and in our own settlements as well as at the native courts. The confidence in Lord Wellesley which it at once inspired gave a vigour to his government which the mere possession of power never can bestow, especially where political as well as military operations are required; for absolute command may extort implicit obedience, but the exertion of men's faculties, their abilities as well as their courage, can only be fully secured by filling them with zealous devotion to their superior. The Governor-General had the choice of excellent agents among the able men educated in the

Company's service; he pitched upon those who best deserved his confidence; he gave it them freely; and their entire reliance both upon his capacity and upon his support called forth their most strenuous exertions on every occasion.

It must certainly be ascribed chiefly to the change effected at Hyderabad, that he was enabled to prevent any unfavourable proceedings either on the Peishwah's part or on Scindiah's; for their intentions were of the most hostile nature.* The negotiations carried on with them for the purpose of preventing any junction with Tippoo, and maintaining peace between them and the Nizam, were successful. But Scindiah could not be prevailed upon to quit the Deccan and return to his own dominions; nor would the Peishwah so far break with Mysore as to dismiss the Sultan's ambassadors. The influence acquired at Hyderabad, and a force prepared at Bombay to assist either the Peishwah or Scindiah against the other, should hostilities break out between them, and to counteract both should they join against the Nizam, maintained the existing state of things until the disturbances in Scindiah's own country, and the discontents in the army he commanded, reduced his power to insignificance; and thus the whole military operations against Mysore were carried on ultimately without any interruption from either of those chiefs.

In addition to the holds over Scindiah, which have just been mentioned, the threatened invasion of Zemaun Shah afforded another. In order to protect the northern frontier, it became necessary to send a large

* Considerable assistance was derived from a change in the ministry at Poonah, brought about mainly by our influence. But though Nana Furnavese, who was restored to power, was uniformly our friend, his master's disposition underwent no change; and after Lord Wellesley had peremptorily refused his proffered mediation, he was discovered to have taken measures for joining Tippoo, but they were, by our demonstrations, referred to in the text, delayed until the fall of that tyrant approached too close to make any connexion with him safe.

force, under Sir J. Craig, into the field, which remained on the frontiers of Oude until the Shah retired from the Seik's country, which he had approached. This force was continued on the same line during the critical state of affairs in the south; and it had, no doubt, a powerful effect upon Scindiah, whose dominions lay exposed to it, had he made any hostile movement in the Deccan. The Rajah of Berar borders upon Scindiah on another line, the south-eastern side. Accordingly, negotiations were at the same time commenced with that prince, for the establishment of a defensive alliance, in case of Scindiah breaking the peace.

We thus perceive the great basis of the whole operations of Lord Wellesley. The Nizam was emancipated and became an efficient ally.—The Peishwah was secured either as an ally or a neutral by the change effected at Hyderabad, and a demonstration on the side of Bombay.—Scindiah, whose power was much more formidable at first than the Peishwah's, and who was not bound to us by the same obligations of treaty, was not merely kept in check by the same two holds which Lord Wellesley had over the Court of Poonah, but he was further restrained by the movements in Oude, on one of his frontiers, and the arrangements with Berar on another.

That no quarter of the peninsula might be neglected, while every security was taken for the success of his operations against Mysore, Lord Wellesley sent a resident to the Rajah of Travancore, a prince of comparatively small power, but whose position on the south-western frontier of the Sultan made it expedient to obtain his co-operation, and at any rate to watch his proceedings. Material assistance was also to be derived from him in the important department of the conveyance of the two armies, as from Travancore the communication was equally easy with the Malabar and Coromandel coasts.

The arrangements which we have been examining were carried on at first from Calcutta, where the Governor-General remained until his measures had reached a certain point of maturity. But he wisely deemed it expedient, after this, to be upon the spot, that he might superintend the execution, which now approached, of his plan. Indeed, his departure from Calcutta might have been deferred some time longer, but for the experience which he had had of the resistance to him among certain of the authorities at Madras. This had not been confined to the original order for assembling the army, already adverted to. His proceeding at Hyderabad had been very coldly seconded, and he even thought had been thwarted by the same parties; for when he directed the subsidiary force to be prepared, and sent into the Guntoor Circar —a movement upon which the whole depended—he was met by remonstrances, instead of being supported by zealous endeavours; and he complained of a delay which might have proved fatal in the execution of that order, and which did defer the successful issue of the plan. His Lordship's words, in writing to General Harris upon this subject, evinced at once his strong sense of the treatment he thought he had received, and his resolute determination to trample down all opposition. This despatch also renders justice to that excellent officer, exempting him from all share in the blame:—"My letter of the 16th July, will have informed you how essential a plan to the very existence of the British empire in India would have been defeated, if your honourable firmness had not overcome the suggestions of an opposition which would have persuaded you to violate the law, under the specious pretence of executing the spirit, by disobeying the letter, of the orders of the Governor-General in Council. This opposition I am resolved to crush; I possess sufficient powers to do so; and I will exert those powers to the extreme point of their extent, rather

than suffer the smallest particle of my plans for the public service to be frustrated by such unworthy means. With this view, my earnest request to you is that you will communicate to me, without delay, the names of those who have arrogated to themselves the power of governing the empire committed to my charge; the ignorance and weakness of this self-created government have already appeared to you from the papers which I transmitted to you on the 18th July."*

At the date of this letter, 19th August, the negotiations at Hyderabad had so far succeeded, mainly, no doubt, from the movement in the Guntoor Circar, as to show the short-sightedness of the opposition in question; but the great event of the disarming did not take place until two months more had elapsed. Lord Clive had now arrived at Madras, and he took the most steady and zealous part in seconding the Governor-General. Nevertheless, the existence of an opinion altogether unfavourable to Lord Wellesley's power among men in authority, and whose great experience was likely to render their opposition embarrassing during the *regni novitas* of Lord Clive, though it should fail to shake his purpose, rendered the personal presence of the Governor-General highly desirable; and he accordingly removed to Madras at the end of December, and there established the seat of government, leaving the affairs of Bengal to be administered in his absence by the Commander-in-chief,

* There can be, I conceive, no doubt, and very possibly, upon a calm review of the whole affair, the Governor-General may have had as little, that those persons acted conscientiously in the discharge of what they conceived to be their duty. That they had fallen into a grievous error in their view of the policy fit to be pursued, has been stated more than once in the text: but not only may we acquit them of all fault beyond error in judgment—we may go farther—and hold that their duty required them, acting under that error, to express strongly their opinion. They were persons of great respectability, and long and varied experience in Indian affairs. This certainly only increased their influence, and augmented the difficulties of Lord Wellesley's position.

Sir A. Clarke, and the rest of the Council. But although his arrival at Madras had the effect, by law, of superseding Lord Clive, he most properly took the first opportunity of making a declaration, in the form of a minute in Council, that he should not interfere in any respect in the peculiar affairs of the presidency, or in anything relating to its patronage, civil or military; but should confine himself to the general interests of the empire, and act with regard to these as if he had continued at Calcutta.

The occupation of Egypt by the French, which had taken place during the preceding summer, and the communication which Lord Wellesley immediately foresaw would be established between Bonaparte and Tippoo (and subsequent events* proved that he had conjectured rightly), induced him to direct Admiral Rainier's fleet to watch the Malabar coast with great care, so that all assistance from the Red Sea should be cut off as far as a naval force could effect this object; and in case any armament escaped the vigilance of the cruisers, the precautions taken on the coast by land must be relied on, and especially the operation of the Bombay army.

When the Sultan perceived that on all sides preparations were in a forward state against him, and found every native court occupied by Lord Wellesley's agents, he appears to have felt considerable alarm, though he carefully dissembled it for some time. A town and district had been some time before Lord Wellesley's arrival occupied by the Company, called Wynaad; Tippoo had made representations against this; it appeared to have originated in mistake; the subject was examined, and Lord Wellesley at once ordered it to be restored, without any equivalent. Some other unimportant disputes were by both parties

* Bonaparte's Letter to Tippoo was found some months afterwards on the taking of Seringapatam, with the other proofs of the Sultan's hostile proceedings.

agreed to be terminated by an amicable inquiry. But Lord Wellesley took the opportunity of this correspondence, as soon as his preparations were sufficiently advanced, to inform Tippoo that he was quite aware of his hostile proceedings at the Mauritius and elsewhere; that his Lordship's preparations had been made to repel any aggression which might be attempted; but that both he and his allies, being desirous of peace, were only anxious to place their relations with the Sultan upon a safe and distinctly understood footing; and, in order that this might be arranged, he required Tippoo to receive an ambassador, whom he named. This only produced an evasive answer, giving a ridiculously false explanation of the intercourse with the Mauritius, and putting aside the proposal of an embassy, but expressing boundless delight at the defeat of the French fleet by Lord Nelson, which Lord Wellesley had communicated to him, and applying to that nation every epithet of hatred and contempt, although it is now clearly ascertained that his despair on receiving the news of their defeat knew no bounds. Again Lord Wellesley urged the receiving of an ambassador, and no direct answer could be obtained, while preparations were actively making to increase every branch of the Mysore army.

At length Lord Wellesley transmitted to him on the 9th of January (1799) a letter, recapitulating his whole conduct and "once more calling upon him, in the most serious and solemn manner, to assent to the admission of Major Doveton" (the ambassador), and earnestly requiring an answer within a day after the letter should reach him. Still the crafty Sultan gave no answer, though he continued his preparations; and on the 7th of February he despatched a French officer as his ambassador to the Executive Directory, with a renewed proposition for an offensive and defensive alliance to make war jointly on the English, partition their territories, and expel them from India. At the same time

with the despatch of this mission, he at length sent an answer, in which he said he was going upon a hunting excursion, and that Major Doveton might come to him, but unattended.

It was, however, now too late; for on the 3d of February (the Sultan's letter not arriving before the 13th) Lord Wellesley had ordered the army to march upon Seringapatam, and commence the siege without delay. Late, however, as the Sultan's consent to treat had been, and manifestly as it was designed only to gain time for his military preparations, and, above all, to postpone our attack until the season for operations, already far advanced, should be gone, Lord Wellesley directed General Harris, under whose command the army had marched some days before the answer arrived, to receive any ambassador whom Tippoo might send, and to treat upon the basis of his securing the Company and its allies, by abandoning the coast of Malabar, dismissing his French troops, and receiving residents from the Company and the Nizam. The instructions given to General Harris were not confined to the terms of the negotiation, but embraced the various contingencies which might happen, provided for almost every conceivable event, and only left that gallant and able officer his own proper province of leading on the army and superintending its operations. After the march was begun, and when on the eve of entering Mysore, the General received a final instruction of a most important description—he was on no account to conclude any treaty until a junction had been effected of the Madras and Bombay armies, and there was a fair prospect of successfully beginning the siege.

The General entered Mysore on the 5th March, with an army said to be better equipped than any that had ever taken the field in the Peninsula, and amounting to about 22,000 men, of whom between 5,000 and 6,000 were Europeans, the rest natives.

The Nizam's army, consisting of the English subsidiary force of 6,000, and 16,000 of his own troops, had some weeks before been moved to the Carnatic, and joined General Harris at Vellore, before he entered Tippoo's territory. The Bombay army, of about 7,000, moved upon Seringapatam, from the opposite quarter; and, although unexpected delays occurred during the march of the Madras army, occasioned chiefly by the failure of the cattle and the carriage department, in about four weeks the whole force reached Seringapatam, after encountering a comparatively slight opposition; one battle having been fought by each army—both, though successful, yet by no means decisive. It is well known that the Duke of Wellington, then Colonel Wellesley, commanded a brigade in this memorable expedition, and distinguished himself by that great military capacity which has since, on a far wider theatre, shone forth with such extraordinary lustre. He was also placed by his brother at the head of a commission, judiciously formed for the purpose of conducting, under General Harris's authority, and in constant communication with him as well as with the government, all political operations during the advance of the army, as well as during the siege, and after its successful termination.

Never, perhaps, was an operation more complete in all its parts than this brilliant campaign. In a month Seringapatam was taken; the Sultan falling while fighting in its defence with his wonted valour, now heightened by despair. All his chief captains submitted to the conquerors; and the Rajah of Mysore, whose family had been dethroned by the usurpation of Tippoo's father, and were detained captive, and subjected to every ignominious treatment by the cruel tyrants, was called to the throne of a portion of their former dominions, the rest being divided among the Company, the Nizam, and the Peishwah. There were found at Seringapatam papers confirming beyond a

doubt the inferences respecting his hostile designs, drawn from Malartic's proclamation and the embassy to the Mauritius. But at the same time the correspondence shows the deep perfidy which formed so remarkable a feature in the character of this Eastern tyrant. An inextinguishable hatred of England breathes through the whole, animates the mass, and mixes itself with the great body of the documents. This was plainly sincere. But his attachment to the French Directory may not have been quite so real, excepting in so far as they were the enemies of his foes. In addressing the "Citizens Representatives" he is ready to "acknowledge the sublimity of the new French Constitution," and he offers its chiefs "alliance and fraternity." But this does not prevent him from writing at the same time to the Grand Signor and testifying "his boundless satisfaction on learning that the Turk is about to free his regions (Egypt) from the contamination of those shameless tribes" (the French), or from exhorting him, "by word and deed, to repel those abandoned infidels."

In surveying the operations of the war, however, and in comparing the Sultan's conduct of it with that of the campaigns in 1789, 90, and 91, we can hardly avoid being struck with the inferior vigour and resources displayed by him upon the present occasion. His troops were better disciplined; his own courage and theirs was as high as ever; nor was there any want of disposition to contest every inch of ground. Yet whether it be from the greatness of the force brought to bear upon him; or from his chagrin at having failed in his attempts to put off the invasion till the monsoon should set in; or from the discomfiture of all his plans to obtain the help of the native powers, and the disappointment of his hopes of French assistance—certain it is, that we see none of those rapid and daring movements which more than once, in the former contest, reduced our chances of victory to

the possibility of escape, and made our final success appear anything rather than a matter of certain calculation.

The conduct of the Mahratta war and of the expeditions against Scindiah and Holkar was marked by the same great capacity which had shone forth in the conquest of the Mysore. Those hostilities also offered an opportunity to the Marquess's brother of displaying the transcendent talents which have since been exhibited with such surpassing lustre—the talents of a great statesman not less than of a great captain. But the part of Lord Wellesley's policy which chiefly excited opposition in England was the subsidiary treaties which he formed with several powerful princes, and by which the important dominions of Arcot, Oude, the Nizam, and the Peishwah were placed under a real subordination to the English government. The perfidies of the native princes, their disposition to league against our power with the view of expelling us from India, their inclination to court a French alliance in order to gain this their favourite object, rendered it really unsafe to leave them in a state of entire independence. We had been compelled to interfere in their affairs and to regulate the succession to their thrones upon each successive discovery of designs hostile to us, nay, threatening our very existence, the subversion of all the fabric of useful and humane and enlightened polity which we had erected on the ruins of their own barbarous system, and particularly the restriction of the cruel despotism under which the native millions had formerly groaned. On each successive occasion, therefore, of this description, Lord Wellesley compelled the government which he installed to make a perpetual treaty by which a stipulated force under our own command was to be maintained at the expense of the native power, and the control of all state affairs, save what related to the palace and the family of the nominal sovereign, was to be vested in the British resident.

The fall of Tippoo Sultan did not more effectually consolidate our Indian empire and secure it against all future dangers than the Subsidiary System thus introduced and established.

Among the dissentients on these subjects was found the prevailing party in the East India Company's direction. Lord Wellesley at one time resigned his government in consequence of their support being withdrawn, and was only prevailed on to retain his position at a most critical period of Indian history by the earnest intercession of Mr. Pitt's government, who gave him, as did Lord Sidmouth with his characteristic courage, sagacity, and firmness, their steady support.* Nothing, however, can be more satisfactory, nor anything more creditable to the Company, as well as to Lord Wellesley's administration, than the change of opinion manifested by that body towards the end of his life. An address was voted unanimously to him, upon the publication of his Despatches, in 1837, and it is fit that I extract its concluding passage:—"To the eventful period of your Lordship's government the Court look back with feelings common to their countrymen; and, anxious that the minds of their servants should be enlarged by the instruction to be derived from the accumulated experience of eminent statesmen, they felt it a duty to diffuse widely the means of consulting a work unfolding the principles upon which the supremacy of Britain in India was successfully manifested and enlarged under a combination of circumstances in the highest degree critical and difficult." With this view a hundred copies of the Despatches were ordered to be sent to the different Presidencies in addition to those already transmitted, "as containing a fund of information of incalculable value to those actively engaged in the diplomatic, legislative, and military business of India."

* Lord Wellesley always gratefully acknowledged the merits and services of Lord Sidmouth, to whom he had through life been much attached.

A present of 20,000*l.* was also on this occasion voted to Lord Wellesley. He had ever shown the entire disregard of money which with so few exceptions has always marked great men. But especially was this displayed on one memorable occasion. He had given up to the army engaged in the conquest of Mysore his share, amounting to 100,000*l.*, of the booty which came to be distributed. This munificent sacrifice is recited by the Company in the vote of the present as one of its grounds.

It was not to conquest and to negotiation that Lord Wellesley's government confined its attention. He applied the same enlarged views to the improvement of the service, and to bettering the condition of the countless multitudes under his rule. That the arts of peace occupied their due share of his attention we have abundant proof in the establishment of the Calcutta College, the promotion of scientific researches, especially into the natural history of the Peninsula, the opening the Indian commerce as far as the Company would allow, the aid given to missions, but under strict and necessary precaution of maintaining toleration, and avoiding all offence to the natives, and accompanied with the suppression of sangues, or human sacrifices. In the vigour of this act, so characteristic of the man, he was imitated by Lord William Bentinck, one of his ablest and best successors, whose peremptory ordinance at once put down the last remains of that abominable and bloody superstition, the suttees, or burning of widows on the graves of their husbands. In some of these measures, particularly those relating to the Calcutta College and the Indian Trade, he was as much thwarted by the Honourable Company as in his foreign policy. But while that wary body denounced his measures as expensive to their treasury, they forgot to calculate how greatly that treasury had been increased by those very operations of which they always complained so bitterly. By his conquests, and

his financial reforms, he had more than doubled their revenue, which from seven millions now reached fifteen. The spectacle of the sanctified Mrs. Cole's application to Mr. Loader's bottle of brandy in Foote's farce, or her wishes for a small consignment of nuns to make her fortune in a season, and then leave her only the care of her soul, is not more edifying than that of the Honourable Company, always protesting against the addition of a foot to their territory, and denouncing the policy which trebled it, while they quietly took possession, without a murmur, of the gains thus acquired, at once relieving their conscience by the murmurs, and replenishing their purse by the spoil.*

Lord Wellesley returned from his glorious administration at a very critical period in our parliamentary history. Mr. Pitt was stricken with the malady which proved fatal—a typhus fever, caught from some accidental infection, when his system was reduced by the stomach complaints which he had long laboured under. He soon appointed a time when his friend might come to see him. This, their last interview, was in the villa on Putney Heath, where he died within a few days. Lord Wellesley called upon me there many years after; the house was then occupied by my brother-in-law, Mr. Eden, whom I was visiting. His Lordship showed me the place where these illustrious friends sat, meeting for the last time. Mr. Pitt was, he said, much emaciated and enfeebled, but retained his gaiety and his constitutionally sanguine disposition; he expressed his confident hopes of recovery. In the adjoining room he lay a corpse the ensuing week; and it is a singular and a melancholy

* The detail into which I have entered on Lord Wellesley's Indian administration is due, not only to the importance of the subject, but to the authenticity of the materials. He himself examined, in 1836, the views which I had taken of this complicated subject, so little familiar to statesmen in this country; and he declared that they correctly represented his proceedings and his policy.

circumstance, resembling the stories told of William the Conqueror's deserted state at his decease, that some one in the neighbourhood having sent a message to inquire after Mr. Pitt's state, he found the wicket open, then the door of the house, and, nobody answering the bell, he walked through the rooms till he reached the bed on which the minister's body lay lifeless, the sole tenant of the mansion of which the doors a few hours before were darkened by crowds of suitors alike obsequious and importunate, the vultures whose instinct haunts the carcases only of living ministers.

It can hardly be doubted that the party of Mr. Pitt would gladly have rallied under Lord Wellesley had there been among them a leader ready for the House of Commons. But to place Lord Castlereagh or Mr. Canning in the command of their forces against the combined power of Mr. Fox, and Messrs. Grey, Sheridan, and Windham, would have been courting signal defeat. A wiser course was chosen, and the King is said to have had early intelligence of Mr. Fox's days being numbered. He therefore waited patiently until the time came when he could obtain the great object of his wishes, a restoration of the Tory party. First, he wished to have excited the country against the Whigs upon the failure of the investigation into the Princess of Wales's conduct; for then he would have availed himself of the strong feelings of the English people against conjugal misconduct, and their aversion to the illustrious husband, an object of his royal father's constant dislike. But before this plot had ripened he found that the cry of danger to the Church, and the universal feeling against the Irish Catholics, would better serve his purpose, and serve it without risk to the royal family. Accordingly, on this ground he fastened a quarrel upon his Whig servants; and they ceased for many a long year to rule the councils of the country.

It is a singular instance of George III.'s self-command and power of waiting his opportunity, that after Mr. Fox's death, when he had doomed in his own mind the Whig ministry to perdition, and while seeking eagerly the occasion to throw them down, he allowed them to dissolve Parliament, thereby entailing upon himself the necessity of a second dissolution within a few months.

Lord Wellesley kept aloof from all these transactions; and his enemies, particularly a person of the name of Paul, whom he had at one time served and afterwards refused to promote, attempted an impeachment. The failure of this scheme was signal, and ended in new votes by large majorities, approving of his Indian administration. But his extreme sense of propriety hindered him, while the impeachment was pending, from taking the government on Mr. Fox's death, when he might, as soon as the Whigs resigned, have succeeded as prime minister.

In 1809 he was prevailed upon to accept the embassy to Spain; and the large and enlightened views which he soon took of all the questions of Spanish policy were, when made known to those most familiar with the affairs of the Peninsula, the subject of wonder and of unmixed applause. I have heard Lord Holland and Mr. Allen, with both of whom he freely corresponded on those matters, declare that he was the person whom they had ever known who most impressed them with the idea of a great statesman. Upon his return, at the end of 1809, he was with some difficulty prevailed upon by the King to accept the department of Foreign Affairs, which he continued to administer till the beginning of 1812, when irreconcileable differences with Mr. Perceval, his narrow views of policy in all the departments of the state, his bigotry on the Catholic Question, his niggard support of the Spanish war, made it impossible to remain longer his colleague. At his death Lord Wellesley was commissioned by

the Prince Regent to form a Coalition Government, and negotiated for some days with Lord Grenville and Lord Grey for that desirable object. The Regent's sincerity was more than doubtful. So Lord Wellesley soon found, and gave up the task as hopeless.

Upon Lord Liverpool's accession to the vacant premiership, he continued to discharge his parliamentary duty, guided by the independent and enlightened principles which he had ever professed. He brought forward the Catholic Question in 1812, and only lost it by a majority of one, in a House where the cause was deemed the most hopeless. In 1819 he made a magnificent speech in support of the Government, when he deemed the peace of the country, and the safety of her institutions, threatened by the proceedings of the demagogue party. But while I acknowledge the ability he now displayed, and admired the youthful vigour which so many years, and years partly spent in Eastern climes, had not been able to impair, I could not avoid feeling that his old anti-jacobin fervour had been revived by sounds rather than substance, and that he had shaped his conduct unconstitutionally, by assuming that the bad times of 1793 and 1794 were renewed in our later day. Lord Grenville's conduct was on this occasion liable to the same remark. Not, however, that even we, who most strenuously opposed the coercive measures, had any doubt of the perils attending the abuse of unlimited public meetings. We felt that it must lead to evil, and that, if unrestrained, it would end either in changing or in shaking the constitution. Lord Hutchinson, I well remember, openly avowed his satisfaction that measures which had become of pressing necessity had been taken rather by a Tory than a Whig Government; and declared that public meetings must either be regulated or forbidden. But we disapproved the course taken by the Ministers, and we were per-

suaded that the accounts of treasonable conspiracies were greatly exaggerated, holding it certain that, how dangerous soever the very large meetings might be, the plots sought to be connected with them were hatched in the brains of spies and other Government emissaries.*

In 1825 Lord Wellesley accepted the high office of Lord Lieutenant of Ireland. His government was signalized by persevering attempts to obtain the emancipation of the Catholics, and he was of course the object of bitter hatred and unsparing attack from the more violent of the Orange party. His recall took place upon the formation of the Wellington Ministry in 1828. When at the end of 1830 the Whigs came into office, he was appointed Lord Steward of the Household, and in 1833 he resumed the Viceroyalty of Ireland, which he held until the change of Government in 1834. He then resigned at once his high office, not waiting till he should be pressed by the new Government to retain it, as in all probability he would have been. He held himself bound in honour to the Whig party to retire upon their very unceremonious dismissal by King William. Steady to his party, he was actively engaged in preparing the opposition to the Peel Ministry; arranged the important measure of the speakership, the first blow which that Ministry received; and with his own hand drew the resolution which on the 8th of April brought it to a close. It cannot be affirmed that the Whig party was equally steady to him. On their

* Mention having been made in the text of Lord Wellesley's early anti-jacobin prejudices giving a bias to his conduct in 1819, it is only fair to add that these prejudices in no wise warped his judgment in spring 1815. He at that critical moment was against a renewal of the war, and friendly to continuing at peace with France, though under Napoleon. He was intimately persuaded that both the French people and their ruler were entirely changed in their feelings and views, and, that we had no right to burthen ourselves with all the heavy costs of a new war, independent of its risk, in order to restore the Bourbons a second time against the people's will.

accession to power, I have heard him say, he received the first intimation that he was not to return to Ireland from one of the door-keepers at the House of Lords, whom he overheard, as he passed, telling another person of my friend Lord Mulgrave's appointment.

The secret history of this transaction is not yet known; and we are bound to disbelieve all reports which the gossip of the idle, or the malice of the spiteful, or the mistaken zeal of friends may propagate. Two things, however, are certain: *first*, Lord Wellesley's removal from among the Whigs—that is, his not being re-appointed in April, 1835—could not by possibility be owing to any the least doubt of his great capacity for affairs continuing as vigorous as ever, because I have before me a despatch in which the head of the Government, as late as the end of August, 1834, declares "the solving of the problem of Irish government to be a task every way worthy of Lord Wellesley's powerful and comprehensive understanding;" adding, "You will not suspect me of flattery when I say that in my conscience I believe there is no man alive more equal to such a work, and more capable of effecting it than your Excellency"—*secondly*, falsehood never assumed a more foul or audacious form than in the eulogies lavished upon the new Government at the expense of Lord Wellesley's Irish administration. That Government, it was said, never would have passed the Coercion Act of 1833! Indeed! But that Coercion Act came from Lord Melbourne's own office, when as Home Secretary he presided over the Irish department; the only mitigation of the Act having been effected by the Government of 1834 on Lord Wellesley's suggestion. The successor of Lord Wellesley, it was also said, for the first time administered the Government fairly and favourably towards the Catholics. Indeed! But Lord Wellesley first brought forward Catholics for the higher offices in the law, and continually propounded measures in their favour,

which for some reason or other were never carried into effect. There are two classes of persons who must be covered with shame upon reading such passages as the following, extracted from his Lordship's despatch of September, 1834; the vile calumniators of Lord Wellesley as never having given the Catholics fair play, and those who suffered their supporters to varnish over their weakness by an invidious contrast of their doings with his, profiting by the constantly repeated falsehood that they were the first who ever treated with justice the professors of a religion to which the bulk of the people belonged. "I think it would be advisable (says his Excellency) to open three seats on the judicial bench, and to take one of the judges from the Roman Catholic bar. This would give the greatest satisfaction to the whole Roman Catholic body. Your lordship, I am convinced, will concur with me in opinion that the Roman Catholics of Ireland have never yet been admitted to the full benefit of the laws passed for their relief. Entitled by law to admission into almost any office in the state, they have been, and are still, practically excluded from almost every branch of the executive administration of the Government. The few admitted into the station of assistant-barristers, or into the police, only serve to mark the right to admission, without any approach to an equitable distribution of official benefit. It is impossible to suppose that a whole nation can repose confidence, or act cordially with a Government when so large a portion of the people are practically excluded from all share in the higher offices of the state, while their right to admission is established by law. I therefore conceive that one of the first steps towards the pacification of Ireland should be the correction of this defect; and for this purpose I submit to your lordship's judgment that it is expedient to admit a certain proportion of Roman Catholics into the privy council, to the bench, to the higher stations of the law, to other efficient civil

offices, and to increase their numbers in the police and in other establishments. This system should be commenced at the same time with the new legal appointments, which would form a main part of it. I would also appoint some Roman Catholics of distinction to the privy council. This would be a commencement which I can venture to assure your lordship would be safe and most satisfactory to the whole Roman Catholic body of Ireland." He then encloses a list of those Roman Catholics whom he recommends, and requests an affirmative answer, that he "may immediately make the necessary official applications to the Home Secretary."

In making public this remarkable document, I violate no official confidence; for though I held the Great Seal at the time when this important correspondence passed, I was not, owing to some accident, made acquainted with any part of it until the present time (1843*). I am therefore wholly free from the responsibility of having neglected so material a communication. When the ministers met in Cabinet at the end of October, they had hardly time left, before their dismissal, to mature any plan such as that which Lord Wellesley so earnestly recommended; but some of those Ministers, aware of that plan, must have felt that they received a strange piece of good fortune, if not of very strict justice, when they found themselves all of a sudden, in May, 1835, zealously supported by the traducers of Lord Wellesley, and upon the express ground of their being just to the Catholics, whom he had never thought of relieving. I have repeatedly, in my place, while these Ministers were present and in power, denounced the gross injustice and the scandalous falsehood of those their supporters, who professed to prefer them to Lord Grey's Government and mine, because we had passed a Coercion Bill which had the entire concurrence and the cordial

* This was written in that year.

support of the very Ministers now declared to be incapable of suffering such a measure; and I have expressed my astonishment that any class of men could submit to receive support upon such grounds, without at once declaring that the blame and the praise were alike falsely bestowed; but I was not on these occasions aware of the extreme to which this falsehood was carried, as regarded Lord Wellesley's administration, and I was not till now informed of the extraordinary self-command which my illustrious friend had shown in suffering all such imputations without any attempt to protect himself from their force.*

A very useful lesson of caution is taught by this passage in Lord Wellesley's life. How often do we see vehement and unceasing attacks made upon a minister or a statesman, perhaps not in the public service, for something which he does not choose to defend or explain, resting his claims to the confidence of his country upon his past exertions and his known character! Yet these assaults are unremittingly made upon him, and the people believe that so much noise could not be stirred up without something to authorize it. Sometimes the objects of the calumny are silent from disdain, sometimes from knowing that the base propagators of it will only return to their slander the more eagerly after their conviction of falsehood; but sometimes also the silence may be owing to official reserve. We here see in Lord Wellesley's case a most remarkable example of that reserve. All the while that the disseminators of slander were proclaiming him as abandoning the Catholics—him who had been the first to move, and within a hair's-breath to

* Equal abstinence and dignity did he show in never allowing the landatory opinions expressed of him in 1834 to be cited as an answer to the statement industriously whispered about rather than openly promulgated, by way of extenuating the refusal to re-appoint him in May, 1835. It was said that he no longer had the vigour of mind required for the difficulties of the Administration; but Lord Melbourne declared, a few months before, that no one was so fit to grapple with those difficulties.

obtain, their emancipation in the Lords, the stronghold of their enemies—all the while that they were exalting his successors at his expense, by daily repeating the false assertion that they for the first time conceived the just and politic plan of removing every obstruction arising from religion to a full enjoyment of the public patronage—all the while that they were placing the Melbourne Ministry upon a pinnacle, as having first adopted this liberal system of government—there lay in the Government repositories the original (in Lord Wellesley's the copy) of a despatch, explaining, recommending, enforcing the necessity of that course, and stating his desire to carry the plan into immediate execution, when the return of the King's messenger should bring the permission, which he solicited so earnestly, of his official superiors. If that permission was delayed for three months, until the Ministry was changed, and Lord Wellesley followed them into retirement, he at least was not to be blamed for the mischance; yet for eight years did he remain silent under those charges—for eight years did the Ministry maintain the same silence under the support which those charges brought them—nay, with the parliamentary majorities which those charges daily afforded them; and now, for the first time, that document sees the light, in which was recorded an irrefragable proof that the charges were not merely false, but the very reverse of the truth—that the support thus given rested upon a foundation positively opposite to the fact.

The excellence of Lord Wellesley's speeches has been mentioned. The taste which he had formed from study of the great Greek exemplars kept him above all tinsel and vulgar ornaments, and made him jealously hold fast by the purity of our language; but it had not taught him the virtue of conciseness; and he who knew the Περι Στεφανου by heart, and always admitted its unmeasurable superiority to the Second

Philippic and the Pro Milone, yet formed his own style altogether upon the Roman model. That style, indeed, was considerably diffuse; and the same want of compression, the same redundancy of words, accompanied, however, by substantial though not always needful sense, was observable, though much less observable, in his poetical pieces, which generally possessed very high excellence. It is singular to mark the extraordinary contrast which his thoughts and his expressions presented in this respect. There was nothing superfluous or roundabout in his reasoning—nothing dilatory or feeble in the conceptions which produced his plans. He saw his object at once, and with intuitive sagacity; he saw it in its true colours and real dimensions; he at one glance espied the path, and the shortest path, that led to it; he in an instant took that path, and reached his end. The only prolixity that he ever fell into was in explaining or defending the proceedings thus concisely and rapidly taken. To this some addition was not unnaturally made by the dignity which the habits of vice-regal state made natural to him, and the complimentary style which, if a very little tinctured with Oriental taste, was very much more the result of a kindly and generous nature.

I have felt precluded from indulging in general description by the intimacy of my intercourse with this great statesman and his family; and I have accordingly kept my promise to the reader of letting the narrative of his actions draw his portrait; but it would be unjust to omit all mention of that lofty nature which removed him above every thought of personal interest, and made him so careless of all sordid considerations, that I verily believe he spent several fortunes without ever having lost a farthing at play, or ever having indulged in any other expensive vice. His original embarrassments, and from these he never was relieved, arose entirely from generously paying

his father's debts.* He was exceedingly fond of glory, and loved dearly the fame that should follow such great deeds as his; but he had no kind of envy, no jealousy of other men's greatness; and a better proof can hardly be given of his magnanimity than the extreme warmth of the praise which he lavished profusely on all the great commanders whom he employed. He earnestly pressed, but it is strange to say, vainly pressed, even their promotion to the peerage sixteen years before it took place, without ever harbouring a thought of the tendency which their elevation might have to eclipse his own fame in vulgar eyes.

Nothing could be more gentle and affectionate than his whole disposition; and during his latter years, next to his books, nothing so refreshed his mind as the intercourse with those friends in whose society and converse he delighted.—It is impossible for me to revise this paper and not have present to my mind, and again submitted to my admiration, the brilliant and successful administration of another most valued friend. Need I name him whose fame is inscribed on the latest page of Eastern history—Lord Ellenborough? The reader of the foregoing pages will at once recognize the congenial spirit of these two great governors.

* The Corporation of Dublin unanimously voted him their freedom in token of the admiration which this conduct had excited.

LORD HOLLAND.

It is a very mournful reflection for me that, much as I might have expected the sacred duty to devolve upon me of paying a just tribute to Lord Wellesley's memory, I should also be called to commemorate the excellence of one whom I might far less have looked to survive, and whose loss made all his friends feel that the value of their own lives was now greatly impaired. It may be doubted if any man in any age ever had so few enemies, so many attached friends, as Lord Holland; and no man certainly could better deserve the universal affection of which he was the object.

His succession to the peerage at a very early age, on his father's death, prevented him from ever sitting in the House of Commons, and thus passing through the best school of English statesmen. His own severe illness, while yet at Eton, gave his uncle, Mr. Fox, a double alarm; for he was not only on the point of losing a nephew whom he loved as if he had been his only child, but ran the imminent risk of being taken from the House of Commons in the zenith of his fame as a debater and a party chief. He was then in the North of Italy; and the messenger from Devonshire House, commissioned to summon him home on account of the King's illness, met him at Bologna. Mr. Fox had received intelligence of Lord Holland's dangerous illness; and the alarm occasioned by the appearance of the courier was speedily changed into despair by a few words which he dropped, intimating that "he must be dead by this time." Great was Mr. Fox's relief and

joy, probably in more ways than one, upon finding that the King was the person alluded to. Many years after this period I saw his banker at Vicenza, who was acquainted with the circumstance of Mr. Fox's alarm; and I was much struck with the familiar notion of this great man's celebrity, which seemed to have reached that remote quarter, at a time when political intelligence was so much less diffused than it has been since the French Revolution. The banker mentioned having given professionally a very practical proof of his respect for the name; he had cashed a bill for the expense of his journey home, though there was no letter of introduction presented; "but I knew him," said the Cambist, "by the prints." The rapid journey home to join the fray then raging in the House of Commons laid the foundation of the liver complaint, which eighteen years later ended in dropsy, and terminated his life; but he was relieved on his arrival from all anxiety upon account of his nephew, whom he found perfectly restored to health.

Lord Holland went to Christ Church on leaving Eton; and passed his time more gaily than studiously, the companion of Mr. Canning, Lord Carlisle, and Lord Granville. But, like them, he laid both at school and college a broad foundation of classical learning, which through his after-life he never ceased successfully to cultivate.

Upon entering the House of Lords he found the prospects of the Whig party as gloomy as it was possible to contemplate. Before they had nearly recovered from the effects of the ill-starred coalition, their dissensions among themselves upon the great questions of the French Revolution and the war had split them in twain, leaving some of their most powerful families, as the houses of Cavendish, Bentinck, and Wentworth, and some of their most eminent leaders, as Burke, Windham, Loughborough, and North, to join the now resistless forces of Mr. Pitt. Their Par-

liamentary strength was thus reduced to a mere fraction of the already diminished numbers that had survived the defeat of 1784; and the alarm, not by any means unnatural or unfounded, which the progress of the French arms, and the excesses of the Revolution had excited throughout the country seemed to marshal all the friends of our established institutions, whether in Church or in State, and even all men of property and all men of sound and moderate opinions, against those who were branded with the names of revolutionists, levellers, un-English, friends and disciples of the French. For the first time the Whig party, essentially aristocratic as it always had been in former ages, in some sort alien to all popular courses, and standing mainly upon patrician influence against both the court and the multitude, as it had proved itself in its very last struggle for power, had become mixed up with the very extremes of popular enthusiasm, extremes to which the people, even the middle orders, were very averse; and which were only favoured by two classes, alike void of influence in the practical affairs of State, the philosophic few and the mere vulgar. For the first time, they who had ever been reformers on the most restricted scale were fain to join the cry for unlimited reforms, both of Parliament and of all our institutious. The leaders might retain their ancient prejudices in favour of aristocracy and against reform, and might confine their Parliamentary efforts to exposing the misconduct of the war, endeavouring to restore peace, and resisting the measures of coercion adopted by Mr. Pitt unconstitutionally to protect the existing constitution. But the bulk of the party became more or less connected with the reformers, and even the few who in the House of Commons still adhered to the standard of Mr. Fox were for the most part imbued with the reform faith. The Whig party, indeed, was then wofully reduced in strength. Mr. Pitt could with certainty carry what-

ever measures he propounded; and at length, after wasting some years in fruitless attempts to resist his power, having been able to muster no more than 53 votes against suspending the Habeas Corpus Act, 38 for putting an end to the war, and 45 for censuring the illegal act of misapplying the money voted by Parliament, the Opposition, wearied of impotent efforts and impatient of unvaried defeat, retired from their attendance in Parliament, retaining the seats, and refusing to perform the duties of representatives.

It was at this most inauspicious period in the whole Whig history, that Lord Holland entered the House of Lords, where there could hardly be said to remain even the name of an Opposition party. He joined himself, however, to the few supporters of his uncle's principles still to be found there lingering on the Opposition benches,—Lord Lauderdale, the Duke of Bedford, occasionally the first Lord Lansdowne, whose family connexion with Lord Holland, and steady opposition to the war, had now well nigh reconciled him with the party, although he always took a line more guided by general principles of policy, and more enlarged in its views, than suited the narrow-minded notions of factious men.

Lord Holland's course was now, as ever through his whole public life, one which did equal honour to his head and to his heart. The vigilant enemy of abuses; the staunch supporter of the constitution as established in 1688; the friend of peace abroad, and of liberty all over the world; the champion, especially, of religious liberty and the sacred rights of conscience, and that upon sound principles of universal freedom, not from any tinge of fanaticism, from which no man, not even his illustrious kinsman, was more exempt; he soon obtained that respect in Parliament, and that general esteem among reflecting men in the country, which the mere exhibition of great talents can never command, and which is only to be earned by honest

consistency in pursuing a course commendable for its wisdom, or by its sincerity extorting applause from those who disapprove it. During the period of above five and forty years that he continued before the eyes of his countrymen, sometimes filling high office, more frequently engaged in opposition to the Court and the Ministry of the day, it is certain that whensoever any occasion arose of peril to the great cause of toleration, the alarmed eye instinctively turned first of all to Lord Holland as the refuge of the persecuted; and as often as the constitution in any other respect was endangered, or any bad, exclusive, illiberal policy placed in jeopardy our character abroad and the interests of peace,* to him, among the foremost, did the supporters of a wise and catholic policy look for countenance and comfort in their efforts to arrest the course of evil.

To a higher praise still he was justly entitled—the praise of extraordinary disinterestedness in all questions of colonial policy. In right of Lady Holland, a great Jamaica heiress, he was the owner of extensive possessions cultivated by slave-labour; but there was no more strenuous advocate of the abolition both of the slave trade and slavery; and Lady Holland herself, the person more immediately interested in the continuance of those enormous abuses, had too much wisdom and too much virtue ever to interpose the least difference of opinion on this important subject.

Although he naturally felt towards his uncle all the

* I may state what I firmly and with knowledge believe, that Lord Holland, in the lamentable defection from the cause of peace which was made by the Whig Government in 1840, was with the greatest difficulty prevented from resigning his office, and leaving the Ministry to prosecute, without the countenance of his high name, their disastrous course. Were I to add that his actual resignation was sent in to his colleagues, I think I should be guilty of no exaggeration. That he afterwards, during the short residue of his life, regretted not having persisted in this course, I also believe.

warmth of filial affection, and looked up to him with the singular reverence with which men of extraordinary celebrity and extensive public influence are regarded by their family, he was wholly above the bigotry which suffers no tenet of its object to be questioned, and the enthusiasm which, dazzled by shining merits, is blind to undeniable faults. Not only was he ever ready to admit that the taste for play had proved ruinous to Mr. Fox's political fortunes, as well as his private—ascribing, indeed, fully more to its evil influence than could justly be charged upon it, for he was wont to say that this alone had prevented him from being Minister of the country—but he avoided several prejudices and tastes, if we may so speak of political errors, in which that great man indulged to the serious injury of his understanding and his accomplishments. Thus Mr. Fox, like General Fitzpatrick, Mr. Hare, Lord John Townsend, and others of that connexion, greatly undervalued the talents and pursuits of the Scotch, holding the Irish as infinitely their superiors, and not duly estimating the importance of the sterling good sense, the patient seeking after truth, and the reluctance to deviate from it in their statements, for which, and justly, the Scotch are famous. Lord Holland had no such prejudice; on the contrary, he greatly preferred the men of the North, and had no disinclination to their peculiar pursuits, their metaphysics and their political economy, their eagerness after facts, their carelessness of fancies, their addiction to the useful, their disregard of the graces. In the speeches of Mr. Fox and his school—always, of course, excepting Mr. Burke—it was easy to observe a want of information upon many subjects well worthy the attention of statesmen, and an ignorance of which may indeed be held fatal to their character for profound and enlarged views of policy. They were well read in history, deeply versed in the

principles of the constitution and its learning, and acquainted (Mr. Fox himself especially) with the policy and interests of foreign courts; but to these subjects, and to the debates in Parliament of former times, their information was confined; while Lord Holland scarcely ever addressed the House of Lords without showing that he was both a scholar, in the best sense of the word, and had formed an acquaintance with various branches of knowledge which are far too much neglected in the education of English gentlemen. Upon everything relating to religious controversy he was in a particular manner well informed. His residence, too, in Spain, at different times, had filled his mind with an accurate and detailed knowledge both of the history and the literature of the Peninsula, and generally of the south of Europe. The liberal hospitality which he exercised at home, making Holland House the resort not only of the most interesting persons composing English society, literary, philosophical, and political, but also of all belonging to those classes who ever visited this country from abroad, served to maintain and extend his acquaintance with whatever regarded the rest of Europe.

Lord Holland's powers as a speaker were of a very high order. He was full of argument, which he could pursue with great vigour and perfect closeness; copious in illustration; with a chaste and pure diction, shunning, like his uncle, everything extravagant in figure and unusual in phrase; often, like him, led away by an ingenuity, and like him not unfrequently led to take a trivial view of his subject, and to dwell upon some small matter which did not much help on the business in hand, but always keeping that in view, and making no sacrifices to mere effect. Declamation —solemn, sustained declamation—was the forte of neither, although occasionally the uncle would show that he could excel in that also, as Raphael has painted

perhaps the finest fire-light piece in the world, and Titian the noblest landscape. Neither made any the least pretence to gracefulness of action, and both were exceedingly deficient in voice, the nephew especially, as he had little of the redeeming quality by which his uncle occasionally penetrated and thrilled his audience with those high and shrill notes that proceeded from him when, heated with his argument, he overpowered both his own natural hesitation and the faculties of his hearer. In Lord Holland the hesitation was so great as to be often painful; and, instead of yielding to the increased volume of his matter, it often made him breathless in the midst of his more vehement discourse. He wanted command of himself; and, seeming to be run away with, he was apt to lose the command over his audience. The same delicate sense of humour which distinguished Mr. Fox he also showed; and much of the exquisite Attic wit, which formed so large and so effective a portion of that great orator's argumentation, never uselessly introduced, always adapted nicely to the occasion, always aiding, and, as it were, clinching the reasoning.

Thus accomplished as he was for the rhetorical art, had his health, and a kind of indolence common to the Fox family—perhaps, too, their disdain of all preparation, all but natural eloquence—allowed him to study oratory more, it is difficult to say how high a place he might have reached among orators. Certainly no one could any day have been surprised to hear him deliver some great speech of equal merit with those of the illustrious kinsman whom he so much resembled. It was once said by Lord Erskine, on hearing him make, off-hand, a great display of argumentative power, "I shall complain of the Usher of the Black Rod: why did he not take Charles Fox into custody last night? What the deuce business has a member of the other House to come up and make his speeches here?"

Of a Cabinet to which, by a singular combination of unlikely chances, he and the other Whigs belonged for eleven or twelve years, he was an efficient member. The places which he held (Privy Seal, and Chancellor of the Duchy of Lancaster) had, especially the former, little duty attached to them. He administered the Duchy, however, with the greatest purity and impartiality; and when one of my legal reforms at one sweep cut off a third of his emoluments (above a thousand a-year), far from making the least resistance, any more than he did to the abolition of slavery, which soon after cost him twice as much, he stated his opinion to be entirely favourable to the change, and only said he was fortunate in having so long held the larger income. As a Minister, however, it is in the Cabinet that his merit must chiefly be estimated; and I can vouch for his having been, in all branches of the King's service, a most useful and excellent colleague. He was perfectly open and frank where he differed in opinion; quite candid, and free from prepossession in favour of his own views; full of information, especially on questions of foreign policy, and on those regarding the constitution; perfectly firm and resolute, when bold courses were to be taken. In occasions of this description, the four years that we passed together as colleagues were abundantly fruitful, and he never was found wanting. He loved the excitement of office; he liked, from his excellently kind disposition, the disposal of patronage; but he was also very sincerely anxious for the opportunity of promoting his political views, and especially of furthering the cause of liberty everywhere, and maintaining that peace to which it is inseparably wedded. Hence he was more anxious to retain office, and more averse to risk the loss of it, than was always quite consistent with the high principles which he professed; and hence he made himself a party to the unconstitutional Government which, most injuriously to the country, and

fatally to the interests of the Whig party, persisted in clinging to place for two years after all power in Parliament, all influence with the country, had departed from them, and nothing remained to prop up the crumbling edifice but the shadow of Court favour, now for the first time embraced as the shelter of a Whig Government from public indignation.

In part, possibly in great part, this misconduct of the Whig Ministry for the two years that followed May, 1839, is to be accounted for, certainly not excused, by their dread of facing the numerous place-lovers and place-hunters with whom they, like every other Government, were beset. In London, and in all corporate towns, there were of course swarms of creatures, hatched by the sunshine of Court favour, and whose only dreams were of being enabled by the prolonged existence of the Cabinet, those already placed to continue battening on the public carcase, those only in expectancy to wriggle themselves into a share of it. These it was hard to face and to thwart.

The same influence, or the same fear of offending adherents, occasioned undoubtedly that other most reprehensible act, an act, too, most hurtful to the Liberal party, the dissolution in 1841. Who can for a moment believe that the Ministers themselves expected to obtain anything like a majority in the new Parliament? Then what possible right had they to make their Sovereign dissolve in order to increase the difficulties of those, her servants, who were to be their successors in office? This they well knew; and of this I warned them by private remonstrance, as indeed I took the liberty of humbly counselling my gracious Sovereign upon the measure, thereby discharging my duty as a Peer of Parliament. But "the pressure from without" was too powerful. Some score of members fancied their seats would be more secure were their own friends in office during the general election, than if that event happened when their ad-

versaries were in power; and to their importunate clamour the Ministers were fain to yield. For this I find it far more difficult to give any excuse on Lord Melbourne's part, than for his proceedings in May, 1839, because I know the excellent nature of my old and valued friend too well to doubt that his retaining office then arose from a feeling, a mistaken one certainly, of duty to the person of the Queen. It may be unpleasant for any Minister to thwart the views of persons as active as they are insignificant in all respects save their power of being troublesome. But then it is his most sacred duty to disregard their buzz. No man in office, no leader of a party in this country, whether in the possession or in the pursuit of power, can be without the courage to face and to resist his adversaries; this is a very ordinary daring indeed. But he is utterly unfit to hold office, or to lead a party, who has not the higher and nobler courage to face and to resist his followers, and to hold his path onward regardless of their clamour, alike immovable from his fixed and stable resolves by the sordid howl of placemen, or the louder shout that proceeds from the multitude—from the *ardor civium prava jubentium.* To all who flinch from this I could read innumerable lessons in the striking contrast afforded by the official conduct, but indeed by the whole public life, of my dear and venerated friend Lord Grey, whose absence from the scene of debate has of late been so deeply lamented by every lover of his country, to whatever class or party he might belong.*

Lord Holland's literary pursuits were varied and successful; for without giving much of his mind to composition, his 'Life of Lope de Vega,' and one or two other productions, have a rare degree of excellence. The style is animated and classical; the narrative clear; the remarks sagacious and acute; the translations executed with a closeness and fidelity,

* 1841.

and at the same time a poetical felicity, that place him in the highest rank of translators; for instead of giving, like some manglers of Dante, a rugged version as literal as it is unpoetical, and affording not a glimpse of the awful Florentine's figure, we have in Lord Holland's masterly performance a poem closely literal, rendering the very Spanish itself and almost in the same number of words, while it is as much imbued with poetry as if it were originally English. To execute such a work as this is extremely difficult, and far transcends the power of him who fancies he can translate because he knows the foreign language, without possessing any mastery over his mother tongue. It is a difficulty superadded to that of the measure and to that of the rhyme; and accordingly, very few have ever vanquished it. Dryden* and Sotheby are poetical, without being close to their divine originals; Cowper unites more of the two qualities than either of them; Lord Holland and Mr. Roscoe stand at the head of the class; and all that can be said in impeachment of this title is, that their efforts have only been directed to small pieces of poetry, and that on a larger scale they might not have been equally successful. I have mentioned Lord Holland's *forte* as a poet; but he wrote several original pieces; and I remember his showing me some political sonnets in the manner of Milton (the first of English sonneteers) which appeared, at least to so indifferent a judge as myself, possessed of very great

* There is not more poetry in Lucretius's description of hell than in Dryden's version, but it is not like Lucretius. Nor is there so much poetry in Virgil's

"Hic ver perpetuum atque alienis mensibus æstas,"

as in Sotheby's

"Here spring perpetual leads the laughing hours,
And winter wears a wreath of summer flowers."

But the beauty lies in adding a flower to the Georgics. Lord Holland and Mr. Roscoe do not so treat their original and their reader; nor does Mr. Carey; but then theirs is poetical English as well as literal version; Mr. Carey's is nothing like poetry, nor very English.

merit. It is remarkable that, like his uncle, though so fond of poetry, he had no relish for the kindred art, the other branch of harmony. Music was positively disagreeable to them both—a remarkable instance of Shakspere's extravagant error in a well-known passage of his plays.

His prose compositions were distinguished by the same severe taste, and the same strict regard to the purity of his English diction, which Mr. Fox is by some, certainly not by me, thought to have cherished in excess. But Lord Holland's prose style had still higher merits. It was luminous, animated, flowing, and free from the defect under which his illustrious relative's certainly laboured, not that which he himself was afraid of, its resembling a speech, for that it wholly avoided by running into the opposite extreme; it was somewhat stiff and constrained, betokening a want of practice in writing, and at the same time a fear of writing too naturally and easily, as he spoke; for nothing can be more easy and flowing and graceful than the style of Mr. Fox's letters. Lord Holland's prose style had all this grace and flow: it may be well judged of, not only by his 'Life of Lope de Vega,' but by his excellent 'Preface to Lord Waldegrave's and Lord Orford's Remains,' and, above all, by the admirable protests which he entered upon the Lords' journals, and by the publication of which in a volume Mr. Moylan has rendered an acceptable service both to politics and letters.

After all, it was in his private and domestic capacity that Lord Holland's principal charm lay. No man's conversation was more delightful. It was varied, animated, passing "from grave to gay, from lively to severe;" full of information, chequered with the most admirable vein of anecdote, but also with deep remark, and aided by a rare power of mimicry, never indulged in a way to offend by its harshness. Whoever had heard him represent Lord Thurlow, or the late Lord

Lansdowne, or the famous Duke of Brunswick, or George Selwyn, little needed to lament not having seen those celebrated personages. His advice was excellent; he viewed with perfect calmness the whole circumstances of his friend who consulted him; he foresaw all difficulties and consequences with intuitive perception and never-failing sagacity; he threw his whole soul into the discussion; and he was entirely free from the bias as well of selfishness as of prejudice in the counsels which he gave. The great delight of those who approached him was certainly in the amiable disposition of his heart, and of a temper so perfectly sweet, so perseveringly mild, that nothing could ruffle it for an instant, nor any person, nor any passing event, make the least impression upon its even surface. Many tempers are equal and placid constitutionally, but then this calm results from their being cold; the waters are not troubled, because their surface is frozen. Lord Holland's temper, on the contrary, like his uncle's, was warm, excitable, lively, animated. Yet I knew him intimately for five-and-thirty years, during a portion of which we had political and even party differences; I had during the most of these years almost daily intercourse with him; I can positively assert that though I saw him often sorely tried, and fear me I was now and then among those who tried him, I never for one moment perceived that there was in his composition the least element of anger, spite, peevishness, or revenge. In my whole experience of our race I never saw such a temper, nor anything that at all resembled it.

His was the disposition of the Fox family. They have a noble and lofty character; their nature is generous and humane. Selfishness, meanness, craft, are alien to their whole composition. Open, manly, confiding, combining the highest qualities of the understanding with the best feelings of the heart, and marked throughout by the innocent simplicity of in-

fancy: no wonder that they win the affections of all who approach them—that is to say, who approach so near and know them so long as to be familiar with them—for both Mr. Fox and his nephew had the manners, somewhat repulsive at first, of patrician life; and the uncle, especially, was for a while even severely forbidding to strangers. It must be added that their aristocratic propensities were not confined to manner; they had the genuine Whig predilection for that kind of support, and regarded, perhaps justly regarded, the union of great families as absolutely necessary to maintain the popular cause against the Court. Mr. Fox, however, went a little farther; and showed more complacency in naming highly-born supporters, than might seem altogether to consist with a high popular tone, or with the tenets of a philosophical statesman. It is to be added that with the simplicity of an infantine nature, they had the defect, as regards their affections, of that tender age. Their feelings were strong, but not deep; the impressions made on their heart were passing, and soon effaced. I have often rallied and sometimes remonstrated with my friend on this peculiarity, when I saw him as I thought regarding men rather with the eyes of a naturalist than a brother, and rather taking an interest in observing their habits and marking their peculiarities, than feeling as deeply as their relation to us required.* But with these imperfections (how trifling compared to his virtues!) it is painful to think he is gone for ever; and cruel to survey the blank he has left. Once more one is forced mournfully to exclaim,—"Eheu! quanto minus est cum aliis versari quam tui meminisse!"

* One of the most able and learned men whom I have ever known, and one of the most sagacious observers, Mr. R. P. Smith, who read these pages, and well knew Lord Holland, with whom he was nearly connected by marriage, while he acknowledged the general accuracy of the portrait I had drawn, objected to this portion, unless an addition were made, in which I entirely concur, that after ever so long an absence from any of his friends his warmth of affection revived, and was as great as before the separation.

It would be a very imperfect account of Lord Holland which should make no mention of the friend who for the latter and more important part of his life shared all his thoughts and was never a day apart from him, Mr. John Allen; or the loss which in him the world of politics and of science, but still more, our private circle, has lately had to deplore—another blank which assuredly cannot be filled up. He was educated at Edinburgh as a physician, and stood far at the head of all his contemporaries as a student of the sciences connected with the healing art; but he also cultivated most successfully all the branches of intellectual philosophy, and was eminent in that famous school of metaphysics, for his extensive learning and his unrivalled power of subtle reasoning. For some years he lectured most ably on Physiology; but before entering on practice he accepted an invitation to attend Lord Holland's family, during the peace of Amiens, on their journey first to France, then to Spain, where they remained till the year 1805. The materials which he collected in the latter country for a complete account of it, both historical and statistical, were of great extent and value; and a considerable portion of the work was completed, when the pleasures of political discussion, working with the natural indolence of his habits as he advanced in life, occasioned him to lay it aside; and of late years he chiefly confined his labours to some very learned papers upon the antiquarian lore of the English constitution in the 'Edinburgh Review.' He also published, in 1830, a learned and luminous work upon the ancient history of that constitution.

He had originally been a somewhat indiscriminate admirer of the French Revolution, and was not of the number of its eulogists whom the excesses of 1793, and 1794, alienated from its cause. Even the Directorial tyranny had not opened his eyes to the evils of

its course; but a larger acquaintance with mankind, more of what is termed "knowledge of the world," greatly mitigated the strength of his opinions, and his minute study of the ancient history of our own constitution completed his emancipation from earlier prejudices—nay, rather cast his opinions into the opposite scale; for it is certain that during the last thirty or forty years of his life, in other words, during all his political life, far from tolerating revolutionary courses, or showing any tenderness towards innovations, he was a reformer on so small a scale that he could hardly be brought to approve of any change at all in our Parliamentay constitution. He held the measure of 1831-32 as all but revolutionary; augured ill of its effects on the structure of the House of Commons; and regarded it as having in the result worked great mischief on the composition of that body, whatever benefit it might have secured to the Whigs as a party movement. Lord Holland had made up his mind to an entire approval of the scheme as necessary, if not for the country, at least for the Liberal party, to which he was devoted; and he supported it, as his uncle had done the far less extensive reform proposed by Lord Grey in 1797, which, less as it was, very much exceeded any reform views of his own—supported it as a party measure, necessary for keeping together the Liberal body, and consolidating their power.

Although Mr. Allen, during the latter and principal period of his life, never abandoned his scientific pursuits, retaining his full knowledge of physical and moral science, and his early taste for such speculations, yet it was chiefly between the politics of the day and the constitutional history of this country that he divided his time. No one could be more useful as an adviser upon all political measures, because he clearly saw their tendency, and never for a moment suffered himself to be led astray by party prejudice or popular clamour. Indeed, like all who, in the enthusiasm of

younger years, have been for a while beguiled into extravagant democratic opinions, he rather leant too severely against merely popular courses, and was somewhat too much inclined to have the public affairs which are directed for the good of the people managed with as little as possible of their interference or consent—forgetting that no real security for those affairs taking that direction can be had, except by giving a sufficient control to the popular voice. But chiefly of the Court he was always distrustful, and herein he had the genuine Whig spirit excited and confirmed by his deep study of our former history. The only failing which seemed occasionally to lessen the weight of his counsel was a certain irritability of temper and impatience of contradiction, especially upon subjects which he had deeply studied, and on which he had formed a clear and strong opinion. It must be said that the by-stander could well sympathize with those little ebullitions when they escaped him in argument with some sciolist, or some every-day politician whose whole knowledge of his subject was picked up in the clubs, or gathered from the papers of the morning, or at best gleaned from the recent volumes of the 'Parliamentary Debates.'

If it be asked what was the peculiar merit, the characteristic excellence of Mr. Allen's understanding, the answer is not difficult to make. It was the rare faculty of combining general views with details of fact, and thus at once availing himself of all that theory or speculation presents for our guide, with all that practical experience affords to correct those results of general reasoning. This great excellence was displayed by him in everything to which he directed his mind, whether it were the political questions of the day, which he treated as practically as the veriest drudge in any of the public offices, and yet with all the enlargement of view which marked the statesman and the philosopher; or the specula-

tions of history, which he studied at once with the acumen that extracts from it as an essence the general progress of our species, after the manner of Voltaire and Millar; and with the minute observation of facts and weighing of evidence which we trace through the luminous and picturesque pages of Robertson and Gibbon. He for whom no theory was too abstract, no speculation too general, could so far stoop to the details of practical statesmanship as to give a friend, proceeding for the first time on a delicate and important mission, this sound advice: — "Don't ever appear anxious about any point, either in arguing to convince those you are treating with, or in trying to obtain a concession from them. It often may happen that your indifference will gain a much readier access to their minds. Earnestness and anxiety are necessary for one addressing a public assembly—not so for a negotiator."

The character of Mr. Allen was of the highest order. His integrity was sterling, his honour pure and untarnished. No one had a more lofty disdain of those mean tricks to which, whether on trifles or matters of importance, worldly men have too frequent recourse. Without the shadow of fanaticism in any of its forms, he was, in all essential particulars, a person of the purest morals; and his indignation was never more easily roused than by the aspect of daring profligacy or grovelling baseness. His feelings, too, were warm; his nature kind and affectionate. No man was a more steady or sincere friend; and his enmity, though fierce, was placable.

It may naturally be asked how it happened that one of his great talents, long experience, and many rare accomplishments, intimately connected as he was with the leading statesmen of his time (the Ministers of the Crown for the last ten years of his life), should never have been brought into public life, nor ever been made in any way, available to the service of the

country? Nor can the answer to this question be that he had no powers of public speaking, and would, if in Parliament, have been for the most part a silent member; because it would not be easy to name a more unbroken silence than was for many long years kept by such leading Whigs as Mr. Hare, Lord John Townsend, and General Fitzpatrick, without whom, nevertheless, it was always supposed that the Whig phalanx would have been wanting in its just proportions; and also because there are many important, many even high political, offices that can well and usefully be filled by men wholly unused to the wordy war; yet Mr. Allen never filled any place, except as Secretary, nay Under-Secretary, for a few months, to the Commissioners for treating with America in 1806. Then I fear we are driven, in accounting for this strange fact, to the high aristocratic habits of our Government, if the phrase may be allowed; and can comprehend Mr. Allen's entire exclusion from power in no other way than by considering it as now a fixed and settled rule that there is in this country a line drawn between the ruling caste and the rest of the community — not, indeed, that the latter are mere hewers of wood and drawers of water, but that, out of a profession like the bar, intimately connected with politics, or out of the patrician circles, themselves the monopolists of political preferment, no such rise is in ordinary cases possible. The genius of our system, very far from consulting its stable endurance, appears thus to apportion its labours and its enjoyment, separating the two classes of our citizens by an impassable line, and bestowing freely upon the one the sweat and the toil, while it reserves strictly for the other the fruit and the shade.

LORD ABINGER.

FEW men have ever appeared in the profession of the law endowed with a greater store of the qualities required to form an accomplished advocate than James Scarlett, afterwards raised to the Bench as Lord Chief Baron, and to the Peerage as Lord Abinger. His understanding was piercing and subtle; no man had more sagacity in seeing through obscure matters, or finding his way through conflicting difficulties, or reconciling contradictions, or dispelling doubts, or, if need were, in raising them; no man could bring more ingenuity to devise explanations, or overcome obstacles, or provide defence, or secure escape. Then he was, though naturally irritable, yet by habit completely master of his temper, always entirely self-possessed, hardly ever to be thrown off his guard by anger or vexation; and, habit becoming a second nature, he had all the external aspect and much of the reality of a placid good-humour, though this was drawn over a somewhat sensitive interior. He had thus in the largest measure these two great qualifications of the Nisi Prius leader —perfect quickness of perception and decision, and imperturbable self-possession.

There is the greatest difference between the two sides of Westminster Hall in the qualities which form the leading Advocate. In truth, Courts of Equity hardly know what the lead of a cause is; for each of three, or it may be four or five counsel, go in much the same way over nearly the same ground; and it does not even follow that the junior takes the same view of the case with those who have gone before

him. All the materials on which they have to work are fully known before they enter the court; their adversary's case is as much before them as their own; nothing can possibly arise for which they are not thoroughly prepared; and even were it possible to make any slip, as in meeting or proving unable to meet some new view of the case unexpectedly taken by the opposite advocate, or thrown out by the court (a thing of very rare occurrence), abundant opportunities remain for supplying all defects and setting all oversights right. The words quick, ready, decisive, sudden, have therefore no application to equity practice, and are hardly intelligible in the courts where bills, answers, affidavits, and interrogatories reign.

It is far otherwise at Nisi Prius. What was all argument, all talk in Equity, is here all work, all action. What was all preparation and previous plan there, here is all the perception of the moment, the decision at a glance, the plan of the instant, the execution on the spot. The office of the leader here well deserves its name; he is everything; his coadjutors are useful, but they are helps only; they are important, but as tools rather than fellow-workmen; they are often indispensable, but they are altogether subordinate. He is often wholly—in some degree he is always—uncertain beforehand what his own case is to be; he is still more uncertain of his adversary's. He comes into court with an account in his hand of what his witnesses are expected to swear, because his client has seen and examined them, which he himself has not; but he is necessarily uncertain that they will so swear, both because his client may have ill examined them, and because they may give a different account upon oath before the court and jury. Then he is still more uncertain how far they may stand firm, how far they may be shaken upon cross examination, and upon the examination by the Judge. He is even uncertain of the effect his case and his witnesses may produce

upon the judge and upon the jury. So far is the advocate at Nisi Prius in the dark as to his own case and witnesses. But of his adversary's he knows little or nothing; he may have to meet a story of which he had no kind of warning whatever; and he may have to protect his witnesses against evidence called to discredit them by proving that they have told a different story to others from that which they have told in court. Documents, letters, receipts, acquittances, releases, title deeds, judgments, fines, recoveries—all may meet him, as well as unexpected witnesses; and on the spot he may have to devise and execute his measures of protection or of defence. It is needless to observe that this gives the greatest advantage to an advocate of quickness, sagacity, and decision; and that it is a just remark which likens the *tact*, and generally the practical skill and firmness, of the leader in jury trials, to the *coup-d'œil* of the leader in war.

Nor is this all. Far different from the effects of slip or blunder or oversight in equity are the consequences of the like mistakes or neglects at law; they are almost always irremediable, not seldom fatal. No relief is given against a verdict obtained by the miscarriage of counsel. Against a surprise in the adversary's case, or in the testimony of the witnesses of either side, there may be relief; but if the mishap was owing to the error of counsel, never. Thoughtless men have found fault with this rule; but were a contrary course pursued, the most careless transaction of all business would be one consequence, and another would be the giving business by favour or connexion to the most incapable men. It is quite necessary that the client should, to some such extent and under some such qualification as has been mentioned, be bound by the conduct of his professional representative.

From what has been said it will at once appear, first, how difficult and how anxious is the position of a Nisi Prius leader; next, how small a portion of his

needful qualification consists of mere eloquence. That which to the vulgar, the spectators at large, may seem the most important part of the whole, is in truth the leader's least important qualification. The object is to gain the cause; mere talk, if he spoke "with the tongues of men and of angels," would never get the verdict. By a great speech he may atone for minor errors in the management of the cause; for great slips, or great imperfections in the conduct of it, the eloquence of Demosthenes and Cicero combined could afford no compensation, nor any substitute. The importance of eloquence is admitted; with equal, or nearly equal conduct, the great speaker will have the advantage; but conduct without eloquence is safer by much to trust for the victory than eloquence without conduct. Mr. Wallace was a successful Nisi Prius advocate, with hardly any powers of speech; Mr. Wedderburn, afterwards Lord Loughborough, had but little success, though a very fine speaker; but Wallace was an excellent lawyer and a good leader of a cause; Wedderburn had so little law, that J. Lee said what he took in on the circuit at York had run through him before he got to Newcastle; and he was moreover an indifferent conductor of a cause.

What has just been said has prepared the reader for an admission that Mr. Scarlett was a more consummate leader in the conduct of a cause than in the eloquence wherewith he addressed the jury. Not that he was deficient in some of the greater qualities of the orator. He had a most easy and fluent style; a delivery free from all defects; an extremely sweet and pleasing voice —insomuch that a lady of good sense and of wit once said that as some people are asked to sing, Mr. Scarlett should be asked to speak, so agreeable and harmonious were his tones, though of little compass or variety. But he had far higher qualities than these, the mere external or ornamental parts of oratory. He had the most skilful arrangement of his topics, the quickest

perception of their effect either upon the jury, the enemy, or the judge. Indeed he used to choose his seat while he ruled the Great Circuit (the Northern) second to that of which he had a rightful possession by his rank; he preferred the seat on the judge's left, because standing there he had the judge always in his eye as he spoke, and could shape his course with the jury by the effect he found he produced on My Lord. Then his reasoning powers were of a high order; they would have been of a higher, if he had not been too subtle and too fond of refining; so that his shot occasionally went over the head both of court and jury, to the no little comfort of his adversaries. But when he had a great case in hand, or an uphill battle to fight, his argumentation was exceedingly powerful. Nor did he ever lessen its force either by diffusiveness or by repetition, or by the introduction of vulgar or puerile matter; his classical habits and correct taste preserved him from the one, his love of the verdict from the other. His language was choice; it was elegant, it was simple, it was not ambitious. Illustration he was a master of, unless when the love of refining was his own master, and then his illustration rather clouded than enlightened. He had considerable powers of wit and humour, without too much indulging in their display; and no man had a more quick sense and more keen relish of both. Hence he ever avoided the risks of any ridicule, and when treated with it himself showed plainly how much he felt and how little he approved its application. The greater feats of oratory he hardly ever tried. He had no deep declamation, no impassioned effusion. He indulged in no stirring appeals either to pity or terror: he used no tropes or figures; he never soared so high as to lose sight of the ground, and so never feared to fall. But he was an admirable speaker, and for all cases except such as occur once in the course of several years, he was quite as great a speaker as could be desired. No man who understood what was

going on in a trial ever saw the least defect in his oratory; and none could qualify the praise all gave his skill and his knowledge by a reflection on his rhetoric.

That skill and that knowledge were truly admirable. It really was impossible to figure anything more consummate than this great advocate's address in the conduct of a cause. All the qualities which we set out with describing as going to form the Nisi Prius leader he possessed in unmeasured profusion. His sagacity, his sure tact, his circumspection, his provident care, his sudden sense of danger to his own case, his instantaneous perception of a weak point in his adversary's, all made him the most difficult person to contend against that perhaps ever appeared in Westminster Hall, when the object was to get or to prevent a verdict; and that is the only object of the advocate who faithfully represents his client, and sinks himself in that representative character. It is needless to add that no man ever was more renowned as a *verdict-getter*—to use the phrase of the Nisi Prius courts.

A country attorney perhaps paid him the highest compliment once when he was undervaluing his qualifications, and said:—"Really there is nothing in a man getting so many verdicts who always has the luck to be on the right side of the cause." This reminds one of Partridge in 'Tom Jones,' who thought Garrick was a poor actor, for any one could do all he did—"he was nothing of an actor at all."* His weight with the court and jury was not unhappily expressed by another person when asked at what he rated Mr. Scarlett's value—"A thirteenth juryman"—was the answer. A remarkable instance is remembered in Westminster Hall of his acting in the face of the jury, at the critical moment of their beginning to consider their verdict.

* "He the best player!" said Partridge with a contemptuous sneer. "Why I could act as well as he myself. I am sure if I had seen a ghost I should have looked in the very same manner, and done just as he did." —*Tom Jones*, book xvi. c. 5.

He had defended a gentleman of rank and fortune against a charge of an odious description. He had performed his part with even more than his accustomed zeal and skill. As soon as the judge had summed up, he tied up his papers deliberately, and with a face, smiling and easy, but carefully turned towards the jury, he rose and said, loud enough to be generally heard, that he was engaged to dinner, and in so clear a case there was no occasion for him to wait what must be the certain event. He then retired deliberately, bowing to the court. The prosecuting counsel were astonished at the excess of confidence or of effrontery,—nor was it lost upon the jury, who began their deliberation. But one of the juniors having occasion to leave the court, found that all this confidence and fearlessness had never crossed its threshold—for behind the door stood Sir James Scarlett trembling with anxiety, his face the colour of his brief, and awaiting the result of "the clearest case in the world" in breathless suspense.

This very eminent person was born in the island of Jamaica, where his highly respectable family had long been settled and were considerable planters. In the colony he passed his earliest years; but he afterwards was brought to the mother country, and in a truly disinterested manner he gave up his share of the family inheritance to the convenience of his relatives. His West Indian connexion, however, never biassed his mind on the great question of the African Slave Trade, —though from that connexion he had been always employed as counsel for the traders and planters. Once only, it was upon the famous case of Smith the missionary in 1824, he showed some leaning in the wrong direction, and having stated that he had always been an abolitionist, it became necessary to mention that he was also a West Indian—a disclosure which he could apparently well have spared. At Cambridge, having been a fellow commoner, he took no honour, according to the truly absurd system which excludes from

academical competition all persons of the higher rank. He cultivated, however, classical literature with success; and his taste as well as his knowledge on such subjects may be perceived in the valuable Note which he added to Mr. Brougham's Inaugural Discourse on Ancient Eloquence in 1825.

He was very early called to the Bar; and came into a certain share of business almost immediately, though then only twenty-two years of age. He chose the Northern Circuit, and on Mr. Law, afterwards Chief Justice and a Peer, taking the office of Attorney-General, he shared in the practice which his promotion scattered. Serjeant Cockell, Mr. Park, and Mr. Topping were the leaders who chiefly commanded the business, and it was not till the Serjeant retired, in 1810, that Mr. Scarlett was considerably advanced. His rank of King's Counsel being so long delayed was extremely prejudicial to him; this delay enabled inferior men to keep above him; and it arose from a circumstance honourable in the highest degree to him, discreditable in a nearly equal proportion to others. He happened to be a steady and conscientious Whig; his opinions were early formed, and firmly maintained. He refused all the professional advantages which the intimate personal friendship of Mr. Perceval might have given him. Nor can there be a doubt that but for his party connexions he must have risen to the office of Attorney-General twelve or fifteen years earlier than he held it, and been Chief Justice of England when Lord Ellenborough resigned in 1818. Instead of obtaining such promotion, he was prevented from even having the fair prospect of elevation to rank—almost a matter of course and all but a thing of strict right—because his political adversaries were determined to keep down a very capable Whig and protect less capable Tories. This was to a certain degree the case with Sir Samuel Romilly; it has since been still more the case with others; and such refusals of rank,

though they more directly oppress the individual kept down, yet operate to oppress all who are his seniors at the Bar and are not qualified to act as leaders. Mr. Brougham's being refused his rank when the Queen died in 1821 threw ten or twelve of his seniors out of business, because he could lead, and did lead, in a stuff gown, while they could hold no briefs with him. He only received a patent of precedency in 1827 during the Junction Ministry of Mr. Canning, and then, as is understood, he was with difficulty induced to take the rank, having long since made his footing secure without it. Mr. Scarlett ought to have been made certainly in 1810, when Serjeant Cockell died—possibly earlier. He only was made when Mr. Park went upon the bench in 1816, and when Lord Eldon had no longer the power of withholding his silk gown. He had for some years been second leader all round the Circuit in a stuff gown.

The first remark which occurs upon this load under which Mr. Scarlett as well as those other lawyers laboured—and he more than they because its pressure was more injurious—is, that the injustice of which they were the object and might have been the victims was peculiar to his case, and that the blame of it belonged in an especial manner to Lord Eldon. That Lord Loughborough was culpable in respect to Sir Samuel Romilly is certain, though in a lesser degree. No such injury was inflicted upon his seniors as those of Mr. Scarlett, Mr. Brougham, and Mr. Denman suffered, and suffered for no fault of theirs, but for the political sins of their juniors at the Bar. Serjeant Clayton and Mr. Walton, and many provincial barristers were no Whigs that they should be punished by their own Tory leaders. Mr. Littledale was no Whig that Lord Eldon should deprive him of business. But if they had been all out of the question, the three leaders themselves were most wrongfully treated in being deprived of their professional rights merely because their political opinions differed from those of

the ministry. Nay, Mr. Scarlet had the more right to complain, because his opinions could only be known in private society; he never was in Parliament all the while the ministry were oppressing him in his profession for differing with them in his politics. This too was an impediment to his progress at the Bar which Mr. Erskine never had to struggle against. Mr. Pitt and Lord Thurlow disdained to keep him down by refusing him the rank which was his right. He was member for Portsmouth; he voted against Mr. Pitt and Lord Thurlow; he was an intimate friend and indeed coadjutor of the Prince of Wales (being his Attorney-General in 1783), whom George III. is known to have heartily disliked, as he did all his son's connexions (except his wife). Yet no personal objection was made by that monarch to Mr. Erskine's promotion, any more than by the Prime Minister and the Chancellor to whom he was opposed. He obtained his silk gown in 1783 when of five years' standing,* Mr. Scarlett had to wait for it four-and-twenty! But when that Prince of Wales was king, Lord Eldon and Lord Liverpool hearkened to his personal objections against Messrs. Brougham and Denman, which those ministers well knew resolved themselves into their doing faithfully and firmly by their client, his wife, whom he was persecuting to death, that duty which it is to be hoped every barrister (at least in England) would perform as faithfully and as firmly. Had they basely betrayed their illustrious client, and enabled

* The name of this illustrious advocate and perfectly finished orator suggests an instance to illustrate our remarks on the ignorance of the vulgar in estimating forensic genius. No less celebrated a work than the *Penny Cyclopædia* has admitted into its pages a remark, that he was a speaker "not distinguished by felicity of diction, or figure, or imagery!" Did the writer of this wholly incredible sentence ever read the speech on Stockdale? and if he did, will he refer to any modern writing of which the diction, the figure, and the imagery are, we will not say superior, but equal? In truth the matchless beauty of his language was very far above the force and energy of his declamation, which really was not his forte, though this writer seems to think otherwise.

the King to wreak his vengeance upon her head, Lord Eldon and Lord Liverpool well knew there was no favour which their royal master would not have gladly showered down upon them, possibly including, at no distant period, an offer of the very places they themselves then held. The blame of those ministers was therefore great in this instance. But in the case of Mr. Scarlett, they had not even the excuse—a poor one doubtless—of the king's caprice. His exclusion from his just rank at the bar was the mere work of common party rancour, or less worthy party contrivance, a work which Lord Thurlow had deemed too dirty for his not very clean hands.

The next remark to which Mr. Scarlett's long and unjust exclusion gives rise, is, that his political conduct, his party honour, his honest and conscientious avowal of his principles, little less unpopular in those days than they were prejudicial to the individuals who held them, reflects on his memory the very highest credit. It is usual for men who know little and think less to make severe comments upon this eminent person, and to describe him as an apostate from the Whig party. It is equally usual for Whig partizans to join in this cry, who never in their lives made any sacrifice to their principles.

We could name men, who never were known for Whigs at all until the party was in possession of power, and who nobly sacrificed to their principles by receiving high and lucrative offices for adhering to the Whig opinions, and further sacrificed by being promoted to still more lucrative office a short time after their first adoption; and yet some of these men have the effrontery to cry out against Lord Abinger for having left their party! When did they and those they act with ever remain one hour out of their just rights and rank because of the Whigs? But Lord Abinger was kept by his Whig principles from being Chief Justice in 1818, and from having the rank of

King's Counsel and the ample revenue of leader on the Northern Circuit in 1802, fourteen years earlier than Lord Eldon by mere compulsion removed the black mark of Whig that stood against Mr. Scarlett's name.

But this is not all, nor anything like all that is suggested by the history of Lord Abinger. We have noted the injurious effects of his principles upon his professional fortunes. Then of course the party, who are now so loud in their complaints of his desertion, did all that in them lay to indemnify this their zealous adherent for the sacrifices he was making to his connexion with them. Kept from his just place in the profession, because he was privately an advocate of Whig opinions, of course they seized the earliest occasion of placing him in Parliament, where he might openly support them by the advocacy of the same principles. The policy of such a course, too, was as manifest as its justice; for no greater gain in force and in weight can accrue to any party, but especially to a party in opposition, than the alliance with able and successful lawyers. Therefore, of course, he was brought into Parliament early in life for some of the Whig seats—close seats afterwards the victims of schedule A?—No such thing; nothing of the kind! Mr. Scarlett, while seriously injured by his principles, saw others daily brought into the House of Commons who had never lost a brief by their adherence to the Whigs; saw Mr. Horner in 1806 seated in Parliament before he was called to the Bar; saw Mr. Brougham seated in 1810 after he had gone a single circuit; saw Mr. Denman in 1817 seated before he could have lost a brief by his principles. All this Mr. Scarlett saw, and he continued a Whig, and continued to suffer the professional pains and penalties of a Whig lawyer under the Eldons and the Liverpools. We do not believe he ever condescended to utter any complaint on this neglect; but we are sure that neither Lord

Denman nor Lord Brougham, nor Mr. Horner, had he been fortunately still living, could have mustered up courage to condemn very seriously their truly honourable and learned friend for afterwards quitting a party to which he owed obligations like these. That, however, is not our defence for Lord Abinger; and it is a defence which he never dreamt of making for his conduct in 1831. We only state it for the purpose of reminding the Whig party how little ground they have of personal complaint against him. They have been as loud in their clamour as if, instead of being slighted by them while all but ruining himself for their sake, he had been treated by them with extraordinary kindness and preference during all his professional and political career.

It was not until the year 1818 that the death of Mr. W. Elliott putting a seat at the disposal of Lord Fitzwilliam, that venerable person had the honour of introducing Mr. Scarlett into the House of Commons as member for Peterborough. No one lawyer in practice and of professional reputation already established ever was so successful as he proved in his first efforts. On the question of the Duke of York's salary as guardian of the King's person, he made one of the ablest and most powerful speeches ever heard in Parliament upon a merely legal subject. His subsequent efforts were not such as sustained the great reputation which he thus had acquired. And this was owing to the great imperfection of his character, the vanity which, it must be admitted, formed not only a feature of his mind, but acted on it as a moving power with a more than ordinary force. To this are to be traced the only errors he ever committed as an advocate, errors very few in number considering the vast practice in which he was engaged for so many years, and the constant recurrence of occasions on which this his besetting sin might be supposed to spread snares in his path.

One instance is recorded on the Northern Circuit of his overweening confidence betraying him, when matched against a party who was conducting his own cause. It was a case of libel, and no justification had been pleaded. He was for the plaintiff, and the defendant was throwing out assertions of the truth of the matter, which the judge interfered to check as wholly inadmissible in the state of the record. Mr. Scarlett, with his wonted smile of perfect, entire, and complacent confidence, said, "Oh! my lord, he is quite welcome to show—what I know he cannot—that his slander was well founded." The man went on, and called a witness or two—nay, he was making much way in his proof, when Mr. Scarlett appealed to the judge for protection. "No (or rather *Na*), said Mr. Baron Wood; "I won't—it's your own fault—why did you let him in?" The man proved his case and got a verdict, to the extreme annoyance of Mr. Scarlett. But this was a trifling matter compared with other consequences of the same foible. He made himself extremely unpopular, both in the profession and in society, by the same course; for his was not, like Lord Erskine's weakness—a kindly, forbearing, recommending kind of vanity, which, if it sometimes made us smile, never gave pain, not even offence, because it never sought to rise by the depression of others. On the contrary, Lord Erskine, with hardly any exception,* was the patron and foster-father of other men's merits, lauded their exertions, and enjoyed their success. Not so was Mr. Scarlett's self-esteem; he would

* Sir A. Pigott was one of them. He had been Mr. Erskine's senior, and, on taking rank, allowed him to go over his head on the Home Circuit, which both frequented. It is difficult to conceive how, after so great—almost irregular—an homage paid to his superior powers, he should have retained so much bitterness against this most able, worthy, and learned person. But so it was. Perhaps he hardly ever showed this kind of evil disposition in any other case. In Sir A. Pigott's instance he showed it unremittingly and offensively. It is the only unamiable trait in his attractive character.

rise by depressing others; he would allow nothing to be well done that any but one individual did; he would always intimate how it might have been better done, and would leave little doubt as to the artist whose superior excellence he had in his eye.

This self-esteem and confidence, we have most fully admitted, rested upon a broad and deep foundation of real merit, and it was justified in almost everything of achieving which a possibility existed. But sometimes it was applied to cases which lay beyond that possibility. Thus to the great debate in the missionary's case already mentioned, he came down wholly unprepared; and the question turned entirely upon the evidence contained in a thick folio volume. This had been carefully studied by all his predecessors in the discussion;—by Mr. Brougham, who brought forward the question; by Mr. Denman, Dr. Lushington, and Mr. Williams, who followed him with an eloquence and an ability of which it is saying enough to declare that to this debate we really, under Heaven, owe the destruction of Negro Slavery. All of these had shown the most complete acquaintance with the evidence in even its minuter details. When Mr. Scarlett addressed himself to the question, he said, in a very careless and not a very becoming manner, but with his wonted complacency and confidence, that he had not looked at the evidence before he entered the House, but that his opinion was clear against the motion. So that when the season arrived for the reply, the mover observed that he would have believed almost any improbability on his learned friend's bare assertion, but that this strange statement required something more of proof to make it credible; and accordingly that had been amply provided by the speech of Mr. Scarlett, every part of which clearly showed the strict truth of his assertion that he knew nothing of the evidence.

The same defect was exceedingly injurious to his

judicial qualities and reputation. He came late—too late—upon the Bench, and he was far from diminishing, by painstaking, the unavoidable consequences of this late promotion. He took the judicial office far too easily; he did not sufficiently work and labour, considering that it was a perfectly new duty which he had to perform—a duty less easily performed after a person has grown grey as an advocate. The consequence was, that he who had every one endowment for the constitution of a great judge,—quickness—sagacity—learning—integrity—legal habits—great knowledge of men—practice at the Bar of vast extent and infinite variety—good nature withal and patience,—really made a very inferior judge to many who, having a more modest estimate of their own faculties, a greater respect for others, and a keener sense of the difficulties of their task, exerted those lesser faculties which they possessed far more strenuously than he did his much superior powers.

He was not raised to the Bench till the change of ministry in November 1834. He had been upwards of forty years at the Bar; and he had held the undisputed lead in the Common Law Courts for about twenty years—held it to the last without the least diminution of his favour among clients. This is unexampled in the profession of the Common Law, unless in the case of Mr. Garrow,—and it is unexampled because the practice of Nisi Prius requires youthful vigour as well as other less fleeting qualities. Even Lord Erskine in less than that period of time showed plain symptoms, not certainly of decaying faculties, but of declining practice. For the last five or six years and more of his brilliant career his business fell greatly off. It must be added, that though a Nisi Prius advocate should be as good as ever in himself, he is more exposed to the competition of new men, with captivating qualities—perhaps of lower arts—and that there is a fashion, therefore, in this walk of the

profession which passeth away. It is certain that Mr. Garrow passed both Mr. Erskine and Mr. Gibbs—the latter for nearly ten years before he retired upon the Bench.

In 1827 Mr. Scarlett became Attorney-General* under the Junction Ministry of Mr. Canning; he went out early the following year on Lord Goderich's government being removed; and when the Catholic question was carried, early in 1829, the main ground of conflict between the moderate Whigs and the liberal Tories having been removed, he with Lord Rosslyn and one or two other Whigs took office with the Duke of Wellington. This they did with the full approbation of Lord Grey and the other Opposition chiefs. Lord Fitzwilliam had, indeed, considerably earlier opened a communication, unknown to Sir James Scarlett, with the Duke's government, and recommended his being employed as Attorney-General.

No admittance of the party to any share of power being possible while George IV. reigned and cherished his marked hatred of his former associates and party, little opposition was given to his government for the rest of 1829 and the early part of 1830. As soon as his death was certain to happen in the course of a few weeks, the Whigs prepared again for battle; and the first session of William IV.'s reign passed in fierce party contests. The result of the general election, in which the illustrious Duke at the head of the government exerted no influence whatever to control the returns, displaced his government, and Sir James Scarlett went out with the rest. Lord Rosslyn, having refused office with the new ministers, also retired; but it is worthy of observation that Sir James held his high station of Attorney-General with the stipulation that he was at liberty to vote for Parliamentary Reform when it should

* It is to be observed that he was sworn into office by the same Lord Eldon who had been so tardy in giving him his silk gown, Lord Eldon having remained in office to give some judgments.

be propounded. Mr. Brougham's Reform motion, which stood for the day after Sir H. Parnell's was carried against the government, would in all likelihood have turned out the ministers, and then Sir James Scarlett could not well have been overlooked in the new arrangements of office. But the ministers resigning in the morning, the motion was not brought forward. Nevertheless, the new Attorney and Solicitor-General took their offices with a notice that if a vacancy or vacancies in any of the chief judgeships took place within a few months, they were not to be offended if Lord Lyndhurst and Sir James Scarlett were promoted over their heads. This is certainly the only favour ever bestowed by the Whig party upon their old and faithful and important ally; and it is one to which his sacrifices and his merits amply entitled him. However, he was much displeased with the Lord Chancellor for appointing Lord Lyndhurst to the Exchequer. He was still more annoyed at the extent, regarded by him as full of danger, to which the Reform plan of the new government proceeded; and, from the first of March, when it was brought forward, he was found, with some other Whigs, ranged in opposition to the Whig ministry. Enough has already been said to show how slender the claims of the party upon his adhesion were. But no claim could of course have been allowed to supersede his clear and conscientious opinions upon important points, far removed above the reach of compromise, and never to be settled by mutual concessions for peace and unity's sake. He differed with his former associates on a fundamental question; and if any test be wanted to determine whether that difference was honest or sordid, let it be sought in his whole political life through times past; which exhibits more sacrifices to his principles than that of any other professional man of his eminence, or indeed of any considerable station in the law.

Nothing is more frequent in the heats of faction than

such charges of apostacy. Some of us are old enough to remember when Mr. Burke himself received no other name than the turncoat—the renegade—the apostate. He had differed with his party; they had taken a course which he deemed contrary to their principles; he conceived that, abiding by those principles, he had been abandoned by the Whigs, not they by him. The world, for a while deafened, bewildered, by the clamour, which however did not mislead it, suffered this great and good man to be so run down. It now does his memory justice. It now has learnt the lesson, that of all tyranny, the tyranny of party is the most intolerable. It now knows that men are expected to give up every vestige of freedom in word and in thought who join a faction, and that if they once belong to it, they are to be stamped as apostates from their own principles if they only retain the power of thinking for themselves, and are determined to maintain those principles which the faction for some sordid reason thinks proper to abandon or to betray.

SIR WILLIAM FOLLETT.

Sir William Follett was among the most able and most successful members of the profession; and he united, with an extraordinary capacity for its prosecution, talents of a very high order as a senator;—talents rarely found in combination with those of the lawyer, how closely soever the two provinces may, to superficial observers, appear to touch. In truth, if there is much to qualify an able and popular advocate for parliamentary exertion, there is also much to disable him. The niceties of legal arguments are not very level to the comprehension of the multitude, either within or without the walls of the Senate, and the subtle argumentation in which lawyers are prone to indulge is therefore very little suited to the popular taste. An advocate, too, representing his client is apt to be somewhat careless how sorely he fatigues the judge, in urging all points that may by any possibility serve his cause. Even when he addresses a jury, he makes sure of their attention, for they have no choice, because they are sworn to determine, and must therefore hear; besides that, only coming now and then into the box, they are much more patient than men who are doomed daily to hear debate. He is also a good deal above his audience in understanding, generally their superior in station,—and thus it happens that the advocate, always secure of a hearing, takes little pains to gain attention, nor at all dreads losing it by his prolixity. Add to this, that he generally enters the House of Commons after his station is established in Westminster Hall, and he is not disposed to court favour in order to set his new position

on a line with that which he has already attained. All these considerations tend to make lawyers somewhat careless both of being interesting and of being brief, when they address the House; and all of these considerations are apt to make them abandon the attempt at rising there, in some disgust at finding themselves undervalued or overlooked. These astute personages find the meed of popular applause vain and idle, and run back to the chase of surer game, among their natural prey. The failure of lawyers in Parliament is thus not difficult to account for.

He was the son of Captain Follett, by Miss Webb, an Irish lady of Kinsale. In 1790, the health of this gallant officer having been broken by serving in the West Indies, he left the army, and engaged in mercantile pursuits in Devonshire, where he lived, and where he died in his seventy-first year. William was then the eldest surviving son, having been born the 2d December, 1798, at Topsham. His elder brother, a lieutenant in the 43rd regiment, was killed before San Sebastian, in September, 1813, on the very day after he landed in Spain.

William, contrary to the positive, but most gratuitous assertion of periodical writers, had no constitutional weakness in early life, and no want of the very earliest indications of great talents. His own family had formed the highest opinion of his capacity, and in consequence educated him for the bar. He was first sent to the Exeter Grammar School, then under Dr. Lempriere, author of the well-known classical dictionary; and he was afterwards placed under the private tuition of Mr. Hutchinson, curate of Heavitree, near the same city. In 1814 he went to Trinity College, Cambridge, where he remained till 1818, when he took his bachelor's degree, but he took it with no academical honours, nor did the sciences chiefly cultivated there ever prove attractive to him; though he was sufficiently conversant with classical

literature, and his general reading was extensive. It has been said by the same inaccurate dealers in ephemeral history, that at Cambridge he was a Whig. This rests upon insufficient authority, at least it is coupled with a very gross mis-statement,—for the writer says that on meeting a college friend soon after he entered Parliament, he said, in answer to a charge of having changed his principles, that his conversion was at least disinterested, the Whigs being then in the zenith of power and popularity. Now, here is an anachronism of some years, for he entered Parliament in 1835, when the Whigs were in opposition, and he entered it as Solicitor-General. He had three years before contested Exeter on Tory principles, and failed; and the fact is certain that from the moment of his coming to London in 1818, he was, and continued steadily to be, a Tory or Conservative; all his friendships, and most of his connexions, being with that party. Another equally groundless mis-statement accompanies the same assertion: it is said to be well known that overtures were made to him by the Whig government, and rejected. We affirm, upon the most unquestionable authority, that for this there is not the least foundation. We state this as well upon the express authority of the Whig ministers as upon that of Sir William Follett's family, and his most intimate friends. The Chancellor (Lord Brougham) offered him a silk gown in 1831, having known him intimately at the bar, and formed very early a high estimate of his talents; but the offer was expressly made upon the footing of his being a political adversary, and certain to take an active and a powerful position against the government of his lordship's friends in the House of Commons. The refusal of professional rank was made after full deliberation, both in conference with the Chancellor and with Sir William's near connexion and attached friend Mr. Croker, and it was refused solely upon the ground of professional prudence.

In 1818 he became a pupil of Mr. Godfrey Sykes, and afterwards of Mr. Robert Bayly, then eminent special pleaders, having been two years before entered of the Inner Temple, and after very diligent and successful study for three years under these learned men, he began himself to practise as a pleader below the bar, and obtained a fair share of business. In the summer of 1824 he was called to the bar, and the year after joined the Western Circuit, to which also his master, Mr. Bayly, belonged. He was now in his twenty-seventh year, and it may safely be affirmed that very few men have ever entered the profession with more abundant qualifications for rapidly and greatly succeeding in its arduous rivalry. His understanding was naturally penetrating, and it was solid, so that with extraordinary quickness of perception he had a sound and mature judgment, never at fault. At the happy age, especially, when all the active powers are in full vigour, and lend force and quickness to the intellectual faculties, other men may be found of equal acuteness, of equal subtlety, of equally rapid apprehension, but in combination with such sure and accurate judgment, that capacity has rarely if ever been found. As genius is of universal application, we must suppose that had the accidents of position or of taste directed his studies to the severer sciences, his successful prosecution of those studies would have been as remarkable. But still his legal studies had never suffered any such interruption, and as the law is a jealous mistress, nor easily pardons even any passing infidelity, never any divided affection, it was among the favourable circumstances in which he entered the forum, that his mind had been wholly given to jurisprudence, and was entirely filled with the solid fruits of many years' study. Accordingly his rise was rapid. The very first time that he addressed the Court of King's Bench, every one who heard him was struck with the excellence of his argu-

ment, both in the matter and in the manner, nor entertained the least doubt that the greatest success was his certain portion: his confidence too was unhesitating, unfaltering, because it was founded on a ground which he felt to be solid: but his outward manner made no unbecoming disclosure of this feeling, and was firm, without being presumptuous. But his entire confidence in his own opinion was not even at his first entrance upon the duties of the profession to be shaken by the contrary decision of the judges themselves, and some who sat next him in court, when they determined in opposition to his first argument, well remember his saying in an audible whisper, addressed to himself, "They are going to decide quite wrong—as wrong as it is possible for men to decide." This made full as great an impression on those who heard or rather overheard it, as the able argument itself which he had just delivered. The judges whom he thus judged were not inferior men; they were the very first in the profession,—Abbott, Bayley, Holroyd, and Littledale. The friend, as he afterwards became, who heard him, said, "that whether he or the court was right, he would insure Follett a thousand a-year." This anecdote Sir W. Follett was fond of repeating.

The rapid success of one so singularly gifted, and devoting himself so exclusively to his profession, was little to be wondered at, but to all admirers of talent, was greatly to be rejoiced in; for, as there is nothing so painful to the generous mind as the sight occasionally exhibited of merit deprived, by accident, of its just distinction, and men of known capacity pining in obscurity, so is there no spectacle more pleasing to contemplate than that of genius reaping without any delay, almost without a struggle, its appropriate reward. To say that Sir William Follett presented himself at the first as fully fitted for his professional duties as he ever after appeared, might perhaps savour

of exaggerated admiration; and he certainly derived from practice the improvement which it must always afford, and most to those who from natural ability may seem the least to need it. Yet no one can doubt that in this, as in some other respects, he strongly resembled Mr. Pitt, for there was greater maturity displayed, both of faculties, of acquirements, of legal habits, almost of an advocate's habits, in the young lawyer on his very first appearance, than had ever before been seen in Westminster Hall; as the statesman is well known to have started into public life at a still earlier age an accomplished orator, whose after exhibitions could hardly be said to have surpassed his first display. There is, indeed, this marked diversity between the two cases,—that Follett was an accomplished jurisconsult as well as a highly-gifted speaker, and accomplished from the beginning; while Pitt's rhetoric so far exceeded his statesmanship from first to last, that it left the latter far behind during all his long life of power nearly uncontrolled.

In committees he first became distinguished as a leader before his standing at the bar had placed him in the front rank; and in all probability that committee practice was of service in making his powers of command known; for it is certain that a lawyer may be highly qualified to fill and to shine in the second place, according to the well-known French proverb,* who would be eclipsed in the first, of which the most eminent pleaders, the Wallaces, the Holroyds, the Richardsons, the Littledales, the Abbots, afford striking instances.

Sir William Follett, when he became a leader, at once fully answered every expectation that had been formed of him. In the first place he was thoroughly master of his profession; that is, of the principal tools wherewithal he had to work. Then the others he could handle as easily and skilfully, for he had an

* Tel brille au second, qui s'éclipse au premier.

extraordinary power of speaking with clearness, with perfect self-possession, with abundant energy where energy was required, with a most pleasing tone of voice, that filled the ear, never tired, and perfectly suited the solid matter and the delicate texture of his discourse. Again, he had absolute command over both his temper and his faculties; could make the one submit to his purpose, and use the other at will, in that extraordinary process, without which there is hardly any real and certainly no practical business-like eloquence, the thinking, and reasoning, and refining, and calculating while going on, and, as it were, on his legs. Thus his attention was ever wide awake, and as if his whole soul were concentrated in each cause, and in each successive step of it. His circumspection was also perfect, and served to provide against all attacks as against all snares. From his quickness, as well as his entire self-reliance, and his perfect command of himself, he was of singular prudence and discretion, never to be taken off his guard, nor ever hurried into any proceeding of hazard. The faculty so essential to a leader of causes as of armies, a sudden and piercing glance through the adversary's plans from a rapid view of his movements, the *coup d'œil*, as it is termed, he possessed, in an eminent degree, like all great advocates who conduct business. If he was not to be over-reached or outmanœuvred by his antagonist, so did that antagonist run no small risk from him. He was a person not to be slumbered near, and also being somewhat apt to press on the vanquished, he was, as Mr. Grattan once said of Lord Clare, though in another sense, "a dangerous man to run away from." The judge, too, required to be as much on his guard as the adverse counsel. No one's arguments in law required to be more closely watched, more especially in his reply, when the judge was left to himself without any comment or explanation of the opposite party; for so

extremely skilful, so dexterous was he, so gradually, by such imperceptible steps, did he glide on, insinuating himself rather than moving, that you could not tell he was making any progress, but suffered him by unseen steps to advance, by minute fragments to beg the question, till at last you found yourself entangled in the web so artistly woven and so cunningly thrown around, and had to go back to the point from which the first *petitio principii* had been made.

> Ἠΰτ' ἀράχνια λεπτὰ, τά κ' οὐ νί τις οὐδὲ ἴδοιτο
> Οὐδὲ θεῶν μακάρων· πυκὶ γὰρ δολόεντα πέπυκται.*—*Od.* Θ.

It happened that during Sir William Follett's time no state prosecutions for libel or for treason, nor indeed any other *causes célèbres*, occurred after he succeeded to the lead. He had not, therefore, any of those comparatively rare opportunities of distinguishing himself before all the world, and his great fame was confined to Westminster Hall until he came into Parliament. It was in 1835 that this important event in his life happened; but far less important to his fame than to that of others; for his reputation being established at the bar was of a kind that left no man the least room for doubting his great success also in the senate, and it is perhaps the only instance in which this could so certainly be foreseen. He was appointed Solicitor-General during Sir Robert Peel's short administration, and was returned for Exeter by a great majority, having three years before been defeated in contesting that city. No sooner did he take his seat than the expectations of all men were amply fulfilled, and the predictions justified of those who had marked his progress at the bar. His matter was seen to be pregnant and pertinent; but it is in manner that lawyers are apt to fail before the assembled commons, and his manner was perfect—

* "Fine as the Gossamer, which e'en deceives
The eyes of gods, his cunning web he weaves."

calm, yet not cold; firm, but unassuming; perfectly self-possessed, though without the least presumption, —every one admitted it to be about the most recommending manner that ever had clothed logical argument, clear statement, and powerful appeal. The voice, too, was of peculiar sweetness, as well as great compass, and it reminded the hearer of Mr. Pitt, to whom indeed in his whole manner he bore a great resemblance. His resemblance in the early maturity of his faculties and his fame has already been pointed out. He was, moreover, an accomplished debater, which many great speakers never were, including certainly Burke, probably Chatham, undoubtedly Windham, and perhaps Romilly also. The reliance which the government or the party he was connected with reposed on his assistance in every emergency was unbounded, like the confidence of his clients, and it was amply justified. It was a common observation that he was less indifferent than some others to the gains of the profession; but never did he leave the least ground of complaint to his parliamentary allies that he preferred his briefs to his duties in the House of Commons. It is no exaggeration to say that the solidity of his matter, the charms of his manner, and his judcious use of the public ear, "using it as not abusing," made him more certain of a hearing, and more sure to retain it while he pleased, than almost any lawyer who ever addressed the House. Besides, his command over their attention was not confirmed by any wit that sparkled in his speech, the surest remedy for a popular assembly's flagging spirits, nor yet by any lively imagination of which he poured forth the stores, nor by impassioned or pathetic appeals, nor even by any rare power of vehement declamation; but it was derived from a rare combination of most lucid statement, singular aptness of argument, and of homely illustration, a forcible expression of contempt for the adversary or

the argument he was exposing, mingled with a very sparing but not unhappy use of sarcasm, and a voice of which it would be difficult to speak too highly, whether its smoothness, or its richness, or its sweetness be considered. He took part more rarely and more sparingly than all desired he should, fearful of wearying his audience by frequently appearing before them, and long demanding their attention. He was found quite equal to grappling with the largest as with the most ordinary questions; and though moderately provided with political knowledge, he never was deficient in the supply required by the exigency of the occasion, whether the subject of discussion was foreign or domestic policy, economical and financial science, or the learning of constitutional law; for he had the happy facility possessed by the Nisi Prius advocate, of gaining information for the special emergency—the artist who must make himself acquainted with the machinery of a patent one day, the nature of a chemical process another, the tackle and steerage of a ship a third, that he may explain these matters clearly to a jury as ignorant of them when he begins his lecture as he was himself two days before, and will again be two days after the cause has been tried.

On Sir Robert Peel's second accession to office in 1841 he became again Solicitor-General; and in 1844, on Sir Frederick Pollock being raised to the Exchequer as Chief Baron, he succeeded him as Attorney-General, which office he held till his decease.

As there were no celebrated causes to display his talents at the bar during his time, so were there no cases of very great distinction to make his parliamentary appearance more memorable than their intrinsic merit was calculated to render them. But a mixed case of criminal law and parliamentary exhibition was afforded by the trial of Lord Cardigan, for fighting a duel, and no member of the House of Lords who was present on that occasion will easily forget the

immeasurable superiority which, throughout the day's proceeding, he showed over all his competitors in every branch of the cause.

During the last five or six years of his brilliant career, he was a frequent practitioner in Courts of Equity, and he showed a familiar acquaintance with the law of those tribunals, and above all, with the law of real property, which they so often administer, the most recondite, difficult, and scientific branch of our jurisprudence. It is probable that his frequenting the Court of Chancery was mainly owing to his having the prospect before him of one day succeeding to its chair: no one doubts that had he survived, the Great Seal must have been his portion, and with a more than ordinary assent of the whole profession over which he would so worthily have been called to preside.

But the decrees of an All-wise Providence forbade. As early as the summer of 1838, symptoms were perceivable of a serious malady having made a lodgment in his constitution, and it was feared that his lungs were affected. In 1841, while attending the Privy Council, he was seized with an attack of erysipelas, which retreated inwards, and alarmingly affected the alimentary canal. He hardly regained good health after that illness. Two years later the spine was supposed to be affected, for he certainly had an extreme feebleness in the lower limbs, almost amounting to paralysis. At length, in 1844, this increased, and seemed complicated with a return of pulmonary weakness. He was obliged to leave off all practice; and on the rising of Parliament, to go abroad with the intention of wintering in the south, should his health not be sufficiently restored by the autumnal repose to justify a return in November, the beginning of the judicial year. It was ultimately found necessary to make for Italy before the cold of winter approached, and he went to Rome and Naples,

which he did not quit before February. His attached friend Lord Brougham had hopes of his benefiting by the delightful and agreeable climate of Provence, and for some weeks expected him at Cannes, where he had urged him to occupy his villa. He went, however, by sea to Marseilles, and after passing a few days at Paris, returned to England early in March. The proverbial deceitfulness of consumption, which soon after plainly declared itself, flattered his friends with hope that the blow might be stayed, if not averted, with which they were now threatened. But he felt unequal to any business except that of consultations, and giving opinions, nor could he attend Parliament, except on two or three occasions, on one of which he spoke, and with his accustomed power and felicity. In the month of May, however, finding his illness increase, he distinctly tendered the resignation of his office of Attorney-General, which, however, was not accepted.

For better air he removed from his house in Park Street to the house of a kinsman in the Regent's Park. The disease now made rapid progress; but his mind remained unclouded within a few hours of his decease, which took place at three o'clock on the afternoon of Saturday, the 28th of June, 1845. How far the consumption which proximately caused his death was itself the result of another malady it is not easy with certainty to determine. But certainly, although the chest was in 1838 the seat of illness, a tendency to palsy was perceived long before the pulmonary complaint which proved fatal had appeared. That he suffered from severe labour has frequently been said, but without any foundation. The mischief was seated far deeper than any devotedness to hard work could reach, or any relaxation from hard work could cure. In truth, no man ever went through his labour of any kind, whether in chambers or in court, with greater ease to himself. That labour never fatigued

his understanding or damped his spirits, and his body suffered accordingly no wear and tear from the work which could only affect it through the mind.

He had married in 1830 the eldest daughter of the late Sir Harding Giffard, Chief Justice of Ceylon, by whom he has left two daughters and four sons, the youngest only thirteen months old.

His death in the zenith of his fame, the fulness of prosperity, the certain prospect of the highest public station under the crown which the country knows, the unimpaired vigour of his great faculties, the possession of universal esteem, such as no successful lawyer but Lord Erskine ever before possessed, an esteem that seemed to lay all envious feelings asleep, as if where there was no rivalry there could be no jealousy, was calculated to produce a great effect upon the minds of all; it was regarded as a singularly affecting spectacle, one which exhibited in a striking way the vanity of sublunary enjoyments, of mortal powers and worldly prospects—it was deeply felt as a public, and above all as a professional loss. The funeral was rendered still more solemn by the spontaneous attendance of the heads of the law, the ministers of state, many distinguished members of both Houses of Parliament, and the most eminent members of the bar. The Chancellor, the Prime Minister, the Chief Justice of the Common Pleas, were among those who bore the pall. The funeral service was rendered impressive by all these extrinsic circumstances, and it was only lamented that its singular and touching beauty should have been in a great degree sacrificed to the music—admirable music it is true, but a most inadequate substitution for the noble and mournful simplicity of the service, as it is read, and ought ever so to be. A subscription has been formed for erecting a statue to his memory.

In relating the history of this eminent person's life the best description of his character has been presented to the reader. It remains only to say that he was

peculiarly amiable in all the relations of domestic and of private life. To this the sweetness of his equable temper, and the known purity, as well as firmness, of his principles contributed with a certainty and a power that must needs have produced their natural effect. His genius having always been directed towards law, and law alone, his general information was not extensive, and he disappointed all who expected from his conversation the same pleasure that they derived from his public exhibitions. But he loved the relaxation of society, and took his part with sense, and intelligence, and uniform good humour, though all desired it should be a larger share. His composition was clear and pure, though he had only the habits of writing acquired by professional correspondence or opinions. Though law was the study of his life, he was well versed in classical literature, and retained to the last his relish for its study. Indeed, his taste in speaking was pure enough to show that he drew his principles of oratory from the only pure sources. In Italy he enjoyed the pleasure of such associations as much as the state of his enfeebled health would allow. That he was a competent Greek scholar has been doubted from the occurrence at Guildhall of a book being mentioned with the name of Αγωγος (leader), for the author, and his not remarking the meaning till the Chief Justice said—"You, Sir William, are meant, among others." But we happen to know that, within a few weeks of his decease, a dispute arising upon a Greek passage, and the sense of a particular idiom, he differed firmly with the company, and on examination was found to be right. This leaves no doubt on the point; but other proofs exist.

In his conduct as a professional man there have been attempts made by the uninformed, or the prejudiced, to point out one flaw; he is sometimes charged with having disappointed clients by taking briefs while he could not attend to the business. No accusation can be more unfair, and it is not the less to be repelled

and reproved because it is made against every man in full practice—we might almost say unavoidably made, as well as infallibly groundless. The first practitioners are always beset with applications from clients for their assistance. They cannot possibly tell whether on any occasion they shall be able to attend the court unless they confine themselves to a single court, which no great leader can do, and which the business of such occasional courts as the Lords and the Privy Council, having no bar of their own, would never permit. Consequently, clients must run the risk in question; but as they run it with their eyes open, they have no right to blame the advocate when the chance which they were aware of has deprived them of his aid. It was once said by Bearcroft, when much employed in committees, and seen walking about in the Court of Requests, unmoved by the many calls of his name in all quarters, that he was there to avoid giving undue preference to any of his clients. But a man whose conduct in other respects was so bad deserves not to be cited as an example. Sir W. Follett did only what all leaders do; his clients suffered only as all clients do that insist upon retaining a man of whose services they cannot be assured. The answer to their complaints is—"Go to inferior counsel, of whose attendance you can be assured." But this they never will do; and for why? Because every one feels that if he does not take the only effectual means of securing Sir W. Follett, his adversary will retain him, and then, peradventure, he may appear against him. Therefore, every one takes the chance of having him, with the risk of losing him, in order to insure himself against the risk of having to meet him on the opposite side. Nothing can be more plain than this. Many instances might be given during Sir W. Follett's greatest popularity of clients insisting upon delivering briefs, though formally and distinctly told that he could not attend. Why did they so? Because some unforeseen accident might

intervene to make his attendance possible; at all events to occasion his being retained by the other side.

Undoubtedly, a person with so many engagements must occasionally have found himself unable to perform some of them; but we know that when such an event unfortunately occurred, no party concerned was more distressed at it than himself. While preparing this sketch, we have been told of a case by a most respectable solicitor in which he had specially retained Sir William to conduct an important cause for him at the assizes. When the time arrived he was prevented by a family affliction from attending; but not only did he attend at a subsequent assize without a second fee, which was quite a matter of course, but he pressed upon his client, who had been vexatiously made to pay the costs of the day, the full amount thus paid, amounting to £400, which the client as peremptorily refused to accept. A fact like this is worth a thousand surmises, and puts them all to flight; but we may confidently add our belief, that the items of fees returned or refused, from kindness and other voluntary motives, would be found to form a much larger head in his books than persons unacquainted with such matters would readily imagine. In one half-year we believe he returned £800, and in the course of a few years £4000.

MR. JUSTICE WILLIAMS.

THE losses of our honoured profession are following in quick succession. After Sir William Follett had been taken from us, the tear for Chief Justice Tindal was not yet dried, when a yet more sudden fate deprived us of one of the most universally beloved members of the Law, one whose great and various accomplishments, and high station among the dignitaries of the Bench, are lost in the sentiment of regret for a man who may be truly said to have passed through life without a single enemy. Not that there was in him any indication of possessing the neutral, the unimportant character, the indiscriminate good nature, the general assentation which oftentimes makes middling men rather borne with than esteemed, and more liked than respected. No one had more clear and decided opinions than Mr. Justice Williams,—none ever thought more for himself, or acted more on his own convictions; few were less cautious in expressing an unpopular opinion, or took less care to conceal his unfavourable impressions of others, or was less disposed to tame down his expression of those sentiments, that they might be in harmony with those he was addressing. Far from affecting the character of Mr. Harmony, he was rather what might be called a good hater, but in the better sense of the phrase. For when he differed with you, he left no room to fancy he did so from the spirit of contradiction; and when he pronounced his condemnation of either a doctrine, or a person, or a class, there was no doubt that he did so conscientiously for the sake of truth, and not vainly from the love of singu-

larity,—while in all he said, there prevailed a kindly nature, and appeared an honest purpose. Little wonder, then, is it if his society was most delightful, and his loss left a sad blank in the select circle he frequented. But we are anticipating in these reflections, which are drawn from us by the sensation produced by his sudden death, and our reference to the sorrow it occasioned.

Sir John Williams was born in January, 1777, and was consequently within a few months of completing his seventieth year, when he died. Bunbury, near Tarporley, in Cheshire, was the place of his birth. His father was rector of the place, and there were, before him, two generations of clergymen, the grandfather and great-grandfather of the Judge, and he, as might be expected, though free from all bigotry, was a person of religious character, and regarded the Established Church with deep veneration, though with not the least intolerance towards those who dissented from her doctrines or discipline.

He received his classical education at a very excellent seminary of an extensive description in Manchester, and would often talk with much satisfaction of the eminent merits of Mr. Wright, its head master, a man of great learning, and uncommon powers of teaching. "The lesser orations," (he would say with pride and pleasure), and then the Crown and the Embassy "we went through, and never turned our back upon a word or a phrase or an allusion,"—for, of course, none better than he knew that the great orator hardly ever uses an expression which is difficult; and yet the sense is to us so often difficult, that he may be pronounced one of the hardest of authors, inasmuch as a person shall give the meaning of each word separately, and yet be wholly unable to render the sense of the whole passage. The poets were attacked as unmercifully, and with equal success, as he himself has irrefragably proved by his exquisite verses. Under the tuition of this learned and honest teacher, he made the progress which it

might be expected a scholar of great ability, intense application, singularly strong desire to learn, would make under so excellent a master.

From this seminary he proceeded to Cambridge, and was entered of Trinity College. He there pursued his studies, took a good degree, and, on leaving the University, was called to the bar in 1804. He immediately chose the great circuit, the Northern, at that time under the lead of Serjeant Cockell, Mr. Park, and Mr. Topping; Mr. Scarlett and Mr. Raine being candidates for the succession should those leaders be promoted, or their health or their popularity fail. Mr. Williams brought with him the reputation of having diligently applied to pleading under Mr. John Atkinson, of Lincoln's Inn, who trained several good lawyers: he brought also the fame of a first-rate classical scholar. His admirable disposition soon ensured him the respect and esteem of all his fellows, and he very easily attained a fair share of practice. The Sessions which he attended were those of Manchester and Preston, a sessions greater in business than several of the circuits; and he attended them several years before Mr. Scarlett quitted them.

As no men more speedily or more surely ascertain each other's merits than the barristers, so it was soon found that he possessed abundantly some of the essential qualities which lead to success in our profession. He was a most diligent reader of his brief, never coming into court without the most perfect and most accurate knowledge of his case, nor ever turning to others, whether senior or junior, for supplying the defect of his own industry and care. He was most provident and circumspect in the conduct of a cause, whether he led or followed. He gave his whole mind to it, whatever was to be done. *Quicquid agas id pro virili agere* was his maxim, as he once cited it aloud in reference to a somewhat slipshod remark of the Judge (Mr. Justice Park), and in rebuke of that remark which had

very absurdly charged him with taking too much pains. The quotation produced a great effect on those who heard it, and was often afterwards in their mouths. His examination in chief was greatly and deservedly admired, for it visited every corner of the witness's knowledge, obtained from him all he could give, and threw on each part of the case whatever light might come from him. His cross-examination was also powerful; and in re-examination he restored and set up his witness well and judiciously, and without overdoing it so as to excite suspicion, and thus lend to an adverse interrogatory a force and weight which did not belong to it. His speeches were truly admirable, concise, forcible, elegant in diction, dictated by the most correct taste, formed upon the antique model with which no one was more familiarly acquainted. The feud arising out of the Queen's case long deprived him of the rank in his profession to which his merits and his practice entitled him; for Mr. Brougham having, by the Queen's death, lost his precedence as her Majesty's Attorney-General, Lord Eldon did not venture to continue his silk gown, for fear of displeasing the King, George IV. (a high-minded Sovereign, and very perfect gentleman), and therefore he was constrained to lead causes for six years without having along with him the eleven or twelve of the Circuit who were his seniors; and the result was, that all of them, except Mr. Serjeant Hullock and Mr. Williams, were thrown out of business, in order to gratify the very dignified spite of a great Sovereign, and save his Chancellor the ten minutes' annoyance of thwarting his royal caprice. The same reason operated against giving Mr. Williams his rank, for he, too, had been one of her Majesty's counsel. And, though the King might very possibly have had no objection to promote him, provided his leaders in that great cause (Messrs. Brougham and Denman) remained clothed in stuff gowns, that would have created too loud an outcry at the Bar for the

Chancellor's nerves; so the result was, that none of them were promoted at all till the year 1827, when Mr. Brougham was, with much difficulty, prevailed upon by his friend Lord Lyndhurst, then Chancellor, to take a rank which had long ceased to be of the smallest importance to him; and thus Mr. Williams, also, was at length promoted. But it was not till the year after that the magnanimous Monarch's personal dislike of Mr. Denman could be overcome; and this act of tardy justice was due to the honesty and firmness of the Duke of Wellington, whom the "finest gentleman in Europe" and "first cavalry officer" could not resist.

The part which Mr. Williams bore in the Queen's case is too well known to require any commentary. He brought to that great occasion all the qualities for which we have shown that he was so eminently distinguished. The two parts of his most able and most useful advocacy which were chiefly admired, were the cross-examination of Demont, one of the Queen's waiting women, and the speech in which he, with little or no preparation, followed the opening of her Majesty's defence. The cross-examination was most successful, and it was destructive of that important witness's credit.* The effect of it in the Lords and in the country cannot easily be overrated. It completed, after the destruction of Majocchi, the ruin of the case. The speech of Mr. Williams must be divided into the first and the second day, and it is usual to call the former a failure, merely because it was delivered when the House were under the impression of the first speech, and did not expect a second to follow close upon it. But that first would in all probability have been as unsuccessful, had the order in which the two were delivered been

* Some accounts erroneously give to Mr. J. Williams the cross-examination of Majocchi. That, of course, fell to the share of Mr. Brougham, for it was the pivot on which the whole case turned, and it could only be in the hands of the leader. But next in importance was Demont's.

reversed. It is in fact well known that Mr. Brougham, perceiving the favourable disposition of the House, ran out to call Mariette Bron, the Queen's own maid, whom he would have tendered for cross-examination after a question or two—and thus put an end to the case. But she was not to be found; and hence a suspicion very naturally arising that she had been gained over by the very active and skilful adversary, he never called her at all, but made Mr. Williams follow up the blow that had been struck. Whatever difference of opinion might exist on the first day's speech, no one ever doubted the great ability of the concluding portion delivered next morning, and its success was complete.

In 1823, Mr. Williams came into Parliament as member for the city of Lincoln, having before contested Chester unsuccessfully. The celebrated attack which he made upon Lord Eldon's administration of justice in the Court of Chancery needs not to be mentioned to show how completely successful this eminent advocate was in the House of Commons. There was no resisting his close, vigorous, and learned assault, and a compromise was the result of a drawn battle, if so we may term a motion that led to a Commission specially appointed to investigate the abuses in Chancery, and point out the means of remedying the great evils complained of. The great and salutary reforms which have since been effected in that Court may be distinctly traced to this inquiry, that is, to Mr. Williams's motions.

In 1824, he distinguished himself in the great debate on Smith, the missionary's case, being one of the most powerful supporters of the motion, which is known ultimately to have obtained the emancipation of the Colonial Slaves. Mr. Denman and Dr. Lushington were the others who distinguished themselves on that great occasion, and to whom, with their colleagues, in equal shares, belongs the glory of this great victory for humanity and justice.

Mr. Williams never partook of the enthusiasm which made most of his political associates the advocates of free trade in all its branches, and in 1826 he delivered a speech of very remarkable ability, and great effect on the opposite side of the question. As he assailed Mr. Huskisson with much power of invective, Mr. Canning came to his friend's defence, and made a speech, in which the House might well be at a loss whether most to admire the orator's zeal for his friend when assailed, his carelessness about his own reputation as a reasoner, or his unscrupulous resort to topics forbidden by the ordinary rules of parliamentary warfare. For his arguments were as feeble as his vehemence was strong, and in want of other facts he hesitated not to jest upon one undeniable fact, namely, that Mr. Williams had recently married a Cheshire lady belonging to the county where manufacturers suffered from the new measures. This sally of delicate wit, and high bred politeness, was the more remarked, because it was delivered in the presence of that most estimable lady's father, an aged country gentleman, who always supported the government with which the wit was connected. This venerable person expressed in a few words, which made a deep impression, his disgust at what had passed. The fact was, that Mr. Williams's speech was an able one, and exasperated both Mr. Huskisson and Mr. Canning.

Our narrative has thus led to the mention of this connexion with Mr. Davenport's family, a connexion which formed the happiness of Mr. Williams's after life, for he had found a friend and companion of admirable judgment, sterling sense, and agreeable manners, the ornament of the exalted circle in which she moved.

In 1830, on the accession of his party to power, he filled the office of Queen's Attorney-General, with Mr. Pepys (now Lord Cottenham), as Solicitor-General, until the year 1832, when the determination being

taken to resign with the Ministers on account of the King's refusal to make Peers for passing the Reform Bill; Messrs. Williams and Pepys' resignation was suddenly accepted, and on the Ministers resuming their places, these two gentlemen found that her Majesty had appointed other law officers in their room. The reason assigned for this somewhat cavalier proceeding was, that it was resolved no longer to have Law officers of the Queen who were in Parliament. The emoluments of these places are moderate, the Attorney-General £240, and the Solicitor only £180 salary, the rank of junior King's counsel which they enjoy, that is after all the others, could be of no use to Messrs. Williams and Pepys, who already had silk gowns.

Early in 1834, upon Mr. Justice Parke removing to succeed Mr. Baron Bayley, in the Court of Exchequer, Mr. Williams was appointed a puisne Judge of the King's Bench, which important place he filled for twelve years and upwards. His private fortune, augmented by that of his wife, was ample, and the fatigues, especially of the Circuits and the Old Bailey, frequently made him contemplate a retirement, which the remonstrances of his learned brethren, added to his own love of the profession and professional society, prevented, or at least, postponed. His health, too, suffered no interruption, and he had none of the infirmities which advancing years so often bring along with them. He continued to indulge in field sports, always with him a favourite relaxation, and his early mornings were passed according to his ancient and invariable habit on horseback. For the Chief Justice, and his other parliamentary friends, before he had a seat himself, used to be frequently amused by meeting him on his morning ride, as they were returning from enjoying the "fumum strepitumque" of the Commons; we should add the "opes," on Lord Tenterden's authority, who, commenting on a very ill drawn statute, which he was forced to construe, observed that Parliament could not,

indeed, be called "inops consilii," but it was certainly "magnas inter opes inops."

His other relaxations were the classical studies, for which he ever had so keen a relish, and which to the last he pursued with such eminent success. The Greek epigrams (or inscriptions) which he composed at different times have been before the world for some years, being printed by himself in a small volume of Nugæ Metricæ, after the venerable example of Lord Grenville, who sent him a copy of his work on seeing the Epigram (Epitaph) on Napoleon, beginning, Τολμαν Αλεξανδρου, and the Inscription on the Apollo Belvedere, beginning Ουρανιων κλιματων συλλησας. All who have seen these exquisite compositions have pronounced upon them the most favourable judgment; some, however, preferring the Apollo, while others more admire the one on Lord Byron while serving in Greece. An English translation of the Apollo was made by Mr. Baron Alderson, the first lines of which are peculiarly successful:—

> "If old Prometheus stole the fire divine,
> What was his daring when compared with thine?
> He but inspired with life the senseless clod,
> While thou hast of the marble made a god!"

Nothing can be more close or more happy. The present Earl of Carlisle* (παν φιλομουσος Ανηρ) almost off-hand rendered the Napoleon,—for he received it, and by the same day's post sent off his translation,—so that no doubt could remain of the quickness with which his work was accomplished. It thus concludes; but first we must give the original lines:—

> Ουδεν εμοι τυμβου; θες δ' ὠ ξειν' αντι Λιθοιο,
> Ἑσπεριην, Ιστρον, Πυραμιδας, Σκυθιην—

> "Quid mihi cum tumulo? Tumuli vice Padus et Ister,
> Aëriæque Alpes, Sarmatiæque nives!"

Nothing can be more perfect than such workmanship as this. When the friend who had sent Lord

* Written in 1847.

Carlisle the epigram gave Mr. Justice Williams the version, it drew from him an exclamation very much in his mouth, favourable to the accomplishments of our aristocracy, and the uses of educating them at public schools. His Lordship is one of the many ornaments of Eton. Of his brother Judge's lines he likewise had a high opinion; but he conceived them to be less sustained than Lord Carlisle's.

There are some very able papers of his in the *Edinburgh Review*, especially one on the Greek orators, in 1821. We may also mention that he was the author of the Article on "Capital Punishments" in the third volume of the *Law Review*, No. V., and also of the memoirs of Mr. Baron Bayley, and Mr. Commissioner Boteler, in the first and third volumes.*

But it is time we should speak of this eminent person's judicial attainments; and we begin by stating, that with an abundant provision of legal learning, and practical knowledge of the profession for all ordinary occasions, and a perfectly legal understanding, he yet did not pretend to the acquirements of the profounder black-letter lawyer, to the legal genius of Holroyd, or the universal learning of Mr. Commissioner Evans. But he dealt most felicitously with facts: how complicated soever, he clearly perceived the bearing upon them of the law, and he closely and correctly applied it to them. His acquaintance with criminal and sessions' law, and all proceedings in its administration, was extensive and profound. No man ever had a larger experience in it, for he had been the leader in the great Lancashire Sessions nearly twenty years, and had been more consulted on such cases than any man of his day. As a criminal Judge, he was at once perfectly firm and humane in an exemplary degree. But

* Mr. Justice Williams enjoyed a good fortune, and he made a most liberal use of it. His purse was always open to his friends. To one of them he advanced at different times, without any security, and, indeed, wholly careless of repayment, a sum between nine and ten thousand pounds.

one of his most learned and able brethren, when writing respecting his death, having heard a eulogy of him confined rather to his capacity as a criminal judge, protested against any such restriction, and said decidedly that the country had lost one of her best Judges. A quality which he possessed in an eminent degree, and we hope we shall neither be charged with truism nor with paradox, when we praise him for it—was constant and inflexible love of justice. All judges in this country are, in one sense, strictly just, because corruption is unknown to them; but all are not equally patient, equally calm, equally free from personal feelings towards advocates, equally exempt from the bias of party and of sect. The excellent person of whom we now speak was a model in these essential particulars, which, as our tribunals are constituted, go to make up that exalted character, the perfectly just Judge. In Banc his attention was ever awake, and his diligence was always at the command of the suitor and the court. At Nisi Prius, he distinguished himself as might be expected from one of his long experience and great merits. In the House of Lords his judgments, where there arose a difference of opinion, were justly admired for the close texture of the argument, and the uniform rejection of all extraneous matter.

While we perform the melancholy office of doing justice to one who never withheld it from others, (for no human being was ever more exempt from the vices of jealousy, envy, vanity, and pride, which too often disfigure great talents and acquirements,) we have a pleasing recollection of the aid which this distinguished Judge condescended to lend our humble labours, moved, as was his wont, by zeal for the improvement of the law, and an honest desire ever to travel onward in quest of truth.

He was a reformer both in politics and in jurisprudence, of a moderate and very cautious description, desiring strongly the extirpation of abuse and further

ance of improvements, but most anxious that all changes should be effected in deference to reason only, and not under the pressure of popular violence; above everything, requiring that they should be in the hands of the enlightened few, and not in those of the ignorant multitude. He was most friendly, therefore, to the Society for the Amendment of the Law, and only withheld from belonging to it by the sense of the inconvenience that might arise out of his duties as a member and as a judge.

Mr. Justice Williams's death was extremely sudden. He had passed the shooting season with his valued friends, Mr. and Lady Augusta Milbanke, at the Yorkshire Moors, a family with which he had long been connected, having sat for some years for a borough of the Duke of Cleveland, her Ladyship's father. From thence he went to pass a week with Lord Brougham in Westmoreland. While there he felt a sharp pain in the chest, but this was only mentioned afterwards, for he never spoke of it at Brougham. On his way through London to his residence in Suffolk, he consulted his physicians, who considered it as connected with the liver, and of no grave importance. On his arrival at his seat he was seemingly quite well, and went out daily to shoot. After a week or ten days, he was, on the 14th of September, somewhat indisposed, but had been out riding before breakfast. He did not dine at table, there being some visitors there. Lady Williams left him pretty well in the drawing-room, and returned after dinner, but before the company retired from table. She found him apparently well, and playing with her lap-dog. She went to the dining-room, and came back for the dog in three, or, at the most, four minutes after she had left him well. No sooner did she open the drawing-room door than the animal set up a loud bark, and rushed past her violently, barking and howling all the way. She asked him what ailed the dog, but received no answer. She repeated the

question, and seeing him, as she thought, asleep, called his servant to see if his head was not too low. The man said "No,—he is sleeping comfortably." She approached him, and again asked him to speak. She observed one eye nearly open, the other half closed, but his colour as usual. The servant and another thought still that he slept, but her Ladyship felt sure he was gone. So it proved, for he speedily became cold and pale, nor could any of the remedies that were applied restore him. He had complained when he awoke just before dinner that he had in his sleep dreamt of a sword piercing his breast. The examination of the body proved only that all the nobler parts, both head, chest, and abdomen, were in a state of perfect health, except a very slight enlargement of the spleen and liver, of no moment. He never had gout, nor had any of his family.

We have entered into this detail on account of the very remarkable circumstance of the dog's instinct. It is quite clear that the poor animal was aware of the fatal change some time before any observer of our own species could discover that the spirit of its master had passed from this world. Many stories have been told of such an instinctive sense, but it has never before, we believe, been established on more irrefragable evidence as the facts above detailed constitute. We may add, that if the examination of the body is to be relied on, an additional argument is presented by this case in favour of the theory which holds the ossification of the coronary arteries to be symptomatic or consequential in *angina pectoris*, and not the cause of that painful and fatal malady; for, in the first instance, the spasms not having been of long standing, these reasoners may argue that time had not been afforded for the process of ossification, which their doctrine assumes to be the effect, and not the cause of the spasm.

DUNNING.

MUCH less is known, at least familiarly known, concerning Dunning than almost any other of our eminent lawyers who flourished in the last century. This arises chiefly from the circumstance of his never having reached the highest honours of the profession, and having died at an age far from advanced. Yet he was a person of the very first-rate eminence at the bar, and one of the few lawyers who fully sustained in Parliament his great forensic reputation.

John Dunning (called by an absurd mistake Joseph through all the volumes of the Parliamentary History) was born at Ashburton, in the county of Devon, in October, 1731, the son of a very respectable attorney who practised there, and lived to a great age, having only predeceased his son by three years. By him the youth was placed in his office when only thirteen years old, as an articled clerk; but Sir Thomas Clarke, Master of the Rolls, being the old gentleman's client, had observed Dunning's early aptitude for business, and advised his studying for the bar. He was accordingly entered of the Middle Temple, and called in July, 1756.

He went the western circuit for some years without success; but having accidentally been employed by the East India Company in preparing their answer to the Dutch Memorial, and become thus introduced to professional connexions, he was intrusted with the argument in the case of *Combe* v. *Pitt*, in 1763, and was soon after retained as of counsel for Wilkes (with whom he had also some private intimacy), in the

questions arising out of the *North Briton*. In 1765 he argued the case of General Warrants, to which Wilkes's case gave rise. His talents for business, his extraordinary acuteness, his inexhaustible resources as an advocate, his steady and impressive, though not finished, still less polished eloquence, above all, his command of legal matters, and readiness in dealing with legal topics, shone forth on these great occasions in such a manner as fully established his reputation in Westminster Hall. His business rapidly increased, and after being chosen Recorder of Bristol, he was, in January, 1768, appointed Solicitor-General under Lord Shelburne's first administration, through whose patronage he was soon after chosen member for Calne, and he continued in Parliament member for that borough until, a short time before his death, he was called up to the House of Lords.

From the situation of Solicitor-General he retired on the change of ministry in 1769, nor did he ever after hold office till in Lord Shelburne's second administration he was made Chancellor of the Duchy of Lancaster, and for life; the Crown having an undoubted right so to confer that office, which only an address of the House of Commons, in 1807, prevented Mr. Perceval from holding by the like tenure. The story told in some works, as in the 'Penny Cyclopædia,' of his having also received a pension of £4,000 a-year, is utterly without foundation, and may also be pronounced impossible to be true. They who have for this pension assailed him with unmeasured violence have added, to prove how inexcusable such rapacity was, that he had realized in the profession of the bar a fortune of £180,000—a statement much more near the truth; for he left a very considerable fortune, most honourably made; nor was he, except for little more than three years of his life, in the receipt of any official salary; and, on quitting the bar, for a comparatively small place, he gave up a very

large income. When he took office at the beginning of 1768 he had only a stuff gown, and on quitting it two years after, he retired behind the bar. Lord Mansfield, on seeing him there, addressed the court, and said, that from respect for the office he had filled, and for his high station in the business of the profession, he should call upon him to move after the King's Counsel, the Serjeants, and the Recorder of London. The two senior stuff gowns, on rising, said that it had been the intention of the bar to make the same proposition to his Lordship, and that it met the general wishes of the profession. Dunning always proudly refused a silk gown, and continued till he left the bar to sit behind it. We may add, that when the personal hatred and caprice of a tyrannical prince, defeated by Messrs. Brougham and Denman in his conspiracy against his wife, had, seconded by Lord Eldon's timidity, deprived them of their rank in 1821, a proposal was on their circuits entertained of a similar kind, but rejected. On the northern circuit it was understood to have failed through the ill-humour of Serjeant Hullock.

Although Dunning was but a short time of his parliamentary career in office, he was a constant and prominent debater during the fourteen years that he sat in Parliament, and he was a steady adherent of the Whig party; but of the Shelburne or Lansdowne section of that body. For its chief he had a sincere respect and affection, grounded not more on his gratitude for acts of kindness, than on a just estimate of his great capacity for affairs, his extensive knowledge, and his firmness and spirit rarely equalled, never surpassed. For Lord Shelburne was a statesman of the Chatham school, and while he took the largest views of the public interests, was wholly ignorant of what either fear or vacillation meant. No man has been more the victim of personal spleen and factious calumny; nor can we fail to recollect that his love of

letters and science, his patronage of their cultivators, his keen relish for their society, formed always one of the main objects of Whig satire *—any more than we can forget that the deep-rooted aristocratic prejudices, the coterie spirit, the family system of rule, which lost Mr. Pitt to their camp when Lord John Cavendish was preferred to him as Chancellor of the Exchequer, and he, the first man of the day after Mr. Fox, could only be offered a subordinate station, found a marked contrast in Lord Shelburne, who, on assuming the Premiership, at once made him his second in command, and leader of the House of Commons.

The remains of Dunning's speeches which are preserved give us a very exalted idea of his powers in debate. They are lively, terse, full of point, never losing sight of the subject in hand, generally most argumentative, occasionally dealing in powerful invective. The courage of his friend and leader he amply shared. No man daily practising before Lord Mansfield could be expected, as a matter of course, to assail that great judge in Parliament with unmeasured vehemence, close upon offensive personality. But Dunning cared not for any such considerations and etiquettes. Had he been a mere politician who never entered Westminster Hall, instead of the first leader in the Court of King's Bench, he could not have dealt more unsparingly his blows at the illustrious Chief Justice, when he deemed his judicial proceedings hostile to the liberties of the subject. Take an instance from the debate, 6th December, 1780, upon Serjeant Glynn's motion on the administration of justice, as connected with the rights of jurors. After showing that Lord Mansfield's doctrines could be traced to the worst names in our judicial annals—to Scroggs—to Alibone—to Jeffries—and illustrating this position at length, he proceeds to show how far his Lordship had

* Beside the Rolliad Papers, see Lee's violent personal abuse in debate, 1783, of which this very liberal topic forms a principal ingredient.

improved upon his great models,—what additions he had made to their tenets. He charges the Chief Justice with craft, with indirect contrivance, with seducing advocates by "hints, looks, half-words to abstain from bringing things forward, insinuating that it would be injurious to their clients—but really because they would hamper himself in his pursuit of a conviction." "Herein," he says, "Lord Mansfield far surpassed the old performers, who, whatever were their doctrines, declared them from the beginning and throughout the trial, and did not by skulking and concealment filch a conviction from the jury, but committed a bold robbery on public justice in face of the laws and of the defendants."

It must be admitted that *he*, too, could face Lord Mansfield openly, and beard him on his bench. A well-known anecdote, recording at once his wit and his boldness, is often mentioned in Westminster Hall. On some difference arising on a point of law, his Lordship was pleased to say, "Then, Mr. Dunning, I may burn my books."—"Better read them," was the reply.

On legislative matters Dunning did not appear to be at all in advance of his age. But he was not behind the other great party leaders, his fellows. A great debater, far surpassing Wedderburn, if far less graceful; a man of real wit, and bringing his wit to bear on the argument; in close reasoning, second to no one; in sarcastic invective, superior to most men; a singularly bold spirit withal; he had all the old notions of regarding our Constitution as perfect even in the faults which it retains of the most barbarous times, just as Dean Swift, with all his Tory prejudices, declared himself for the old Gothic institutions of annual parliaments and universal suffrage; and as Mr. Fox could see no wisdom beyond the Whig catalogue of idols and of grievances handed down from our ancestors, the Whig leaders who preceded him. Mr. Burke was, indeed, the only states-

man who appeared as at all before his age. He would hardly have expressed himself as Dunning did on appeal of murder, though he hardly gave it up. "I rise," said Dunning (29th April, 1774), "in defence of one of the pillars of our Constitution, the appeal of murder;" and he protested against "abandoning our old Gothic Constitution, and substituting a new Macaroni one in its place." Let us felicitate ourselves that we have outlived these days, and have survived to a period when the merest schoolboys in legislation would be ashamed of such notions—few even entertaining them, none daring to give them vent.

If Dunning was distinguished in Parliament beyond the lot of most lawyers, his principal theatre was Westminster Hall. There his fame was great. Together with the points of Wallace, the arguments of Dunning were the subject of admiration long and long after they had both been removed from this passing scene. In manner, neither was graceful; Wallace much less than Dunning: but Dunning was uncouth in his person, and little gifted with a sonorous voice or even a clear utterance. It was only when he became warmed with his subject that the torrent of argument and illustration poured. Against Wallace it was generally his lot to be pitted; even in Parliament, as far as Wallace's very marked inferiority there admitted of any contest; for he was very inferior indeed in debate, and only spoke when official necessity compelled him. These two rivals met on an occasion of melancholy interest, just before their decease. They were both travelling in May, 1783, on the Bath road; Wallace was proceeding on his way to Clifton for his health; Dunning, broken by the loss of his eldest son, which he never recovered, was coming to town from Bristol, where he had been to hold, for the last time, the sessions as recorder. They met at Bagshot, and by tacit consent repaired to the same chamber, where they reposed upon two

sofas, placed opposite each other, and held for a space some friendly conversation, probably turning upon former times and their present exhausted state. Wallace died in a few weeks, Dunning in the following August (1783), a few months after.

The books of course can never give a just idea of any advocate's powers as an arguer of cases, because all reports must greatly abridge the argument; all give it, or rather the heads of it, in the language of the reporter himself; and indeed little more is to be found than the points made and the authorities cited. This applies particularly to the reports before Durnford and East, with whom the less condensed and more prolix plan of reporting began. Burrows, Cowper, and Douglas, are much shorter than their successors, and though, in point of condensation, the two latter are better reporters than any since, they give still less a representation of an arguer's manner of arguing than the somewhat unbearable profusion of after times. It is, however, with all these disadvantages, impossible to doubt that Dunning's argument in the case of *Combe* v. *Pitt* (3 Bur. 1423.), which first established his fame in Westminster Hall, was a performance of very great merit, though the point was of the most inconsiderable magnitude, viz.: that a plea in abatement of another action brought in the same term, can only be supported by the date of its actual commencement being, *de facto*, prior. His arguments in the much more famous cases of *Doe* v. *Fonnereau* (2 Doug. 496.), and *Le Caux* v. *Eden* (2 Doug. 596.), appear to have been also of great ability. But in *Combe* v. *Pitt*, Lord Mansfield on a second argument being suggested, made answer that it was unnecessary, the first having been most satisfactory and full, with neither a word too much nor a word too little.

Dunning married, in 1780, the sister of the late Sir Francis Baring, and aunt of the present Lord

Ashburton, who on his creation in 1835, took the title of his uncle by marriage. Mr. Burke thus eulogized him at a period when hatred of all the Shelburne connexion had not as yet shut his eyes to real worth and sterling merit. After declaring his esteem for the man, he thus speaks of the lawyer:—"I am not afraid of offending a most learned body, and most jealous of its reputation for that learning, when I say he is the first of his profession. It is a point settled by those who settle everything else, and I must add (what I am enabled to say from my own long and close observation) that there is not a man of any profession, or in any situation, of a more erect and independent spirit, of a more proud honour, or more manly mind, or more firm determined integrity."

When the fierce hatred of Lord Shelburne burst forth among the Whigs; when he was the object of constant and unsparing attacks, somewhat of their abuse extended to his eminent partizans; Colonel Barré's pension, and Lord Ashburton's grant for life of the duchy, were assailed; but no one ventured to question the purity of the latter's whole personal, political, or professional conduct. The carelessness of those who compiled the Parliamentary History of those days, and who called Mr. Dunning Joseph, during the whole of these volumes, makes the debates speak in one passage of a conversation upon Colonel Barré's and Lord Ashburton's pensions; whence the writers already alluded to have chosen to assume that the latter had, like the former, a pension of £4000 a-year; a thing utterly false. He had, by grant of the Crown, the place of Chancellor of Lancaster for life—a grant perfectly lawful, and which was a poor compensation for the loss of twice as large an income at the bar. There can hardly be produced a second instance of so scandalous an inattention to accuracy, on the part of persons who choose to fasten on the untarnished honour of illustrious names, charges of

corruption and profligacy, and gross inconsistency, for which their own inexcusable inaccuracy and blunders are the only foundation.

The following letter, dated the 3d April, 1780, relates evidently to the return of Mr. Dunning from his marriage excursion, and also to the duel fought by Lord Shelburne on the 22d March, with Colonel Fullarton, and the wound which his Lordship received. The dispute arose on Lord Shelburne's remarking, in the House of Lords, that the corps raised by the colonel might very possibly be employed against the liberties of the country; whereupon that gentleman took offence, and used harsh language in the Commons; but not satisfied with that, he sent the earl a message. This invitation was accepted, as all explanation was very peremptorily and somewhat contemptuously refused. It seems the same tone was preserved in the field; for Lord S. seeing the colonel and his second, a Scotch peer, asked "which of the two gentlemen it was that he had to meet." The colonel was a very unknown personage, and filled no space in any eyes but his own. On the second fire he wounded his adversary, who, when accosted by his second, Lord Frederick Cavendish, refused to give up his pistol, saying "he had not fired it." He took his place again, and fired in the air. The adverse second then asked Lord S. if he would now retract or explain; but he said the matter had taken a different turn, and explanation was out of the question. However, he added, that he was ready to go on, "if the gentleman wished to continue,"—which was of course declined. Certainly no one ever behaved with greater courage or coolness in any circumstances—as all might expect who knew the fearless nature of the man—and it argued no little vanity in "the gentleman" to expect he ever should obtain any other satisfaction than a fight, which he probably thought it worth his while to have, as a rising young political dealer.

When the Earl's wound was known in the city, the corporation sent a respectful message to inquire after his safety—"highly endangered in consequence of his upright and spirited conduct in Parliament;" expressing themselves "anxious for the preservation of the valuable life of so true a friend of the people, and defender of the liberties of Englishmen." The late Mr. Bentham, a friend of Lord Shelburne, always regarded him in this light, and was wont to describe him "as the only minister he had ever known who did not fear the people."

"Putney, Monday morning, 11 o'clock, April 3, 1780.

"MY DEAR LORD,

"Your porter will, I fear, give but a bad impression of the future regularity of my family to his fellow-servants, when he comes to explain to them how it has happened that he has not been despatched earlier, which I find he was very impatient to be; and it is in justice to him that I give this note the date it bears.

"The companion of my journey, which ended here last night, and who will, I trust, be the companion of my journey through life, feels as she ought the honour your note so obligingly encourages her to hope for in Lady Shelburne's protection; and is impressed, as becomes her, with the respect due to Lady Shelburne's character. She joins with me in very sincere congratulations on your Lordship's safety, and rejoices in this signal proof that Providence has not yet abandoned this unhappy country.

"I should very much lament the loss of the letter your Lordship had the goodness to think of writing to me, under circumstances which added so much to its value, if I had not learnt from Colonel Barré that it was not to be sent to me, but in an event which I have the satisfaction to see the people at large show they have virtue enough to have learnt, with as much indignation as I should have done. Your Lordship will allow me to express the additional satisfaction your letter to Wilts has given me, by the proof it affords that your recovery is complete.

"I am in hopes of seeing Barré here soon, who, I fear, will not so readily admit, as your Lordship will, the apology I am obliged to make for being totally unprepared on every other subject, by the attention I have thought due to one.

"I am, my dear Lord,

"Ever truly and faithfully yours,

"J. DUNNING."

LORD PLUNKET.

It is exceedingly to be lamented for the sake both of professional men and students of Rhetoric, that this great orator never completed the work upon which he had barely entered—the correction and publication of his speeches. Important as his services were to the state and to the Law, to the great cause of civil and religious liberty, and to the reform of our institutions on rational and moderate principles, his great fame rests upon his eloquence, in which he was surpassed by none in his own times, hardly by any orator of former ages.

The circumstances in which he was placed from his earliest years were exceedingly favourable to the attainment of that eminence, which he reached at an early period; his inflexible principles of toleration, and the severe discipline exercised over his imagination by his strong logical judgment, may be traced to one and the same source. The son of a most respectable Presbyterian pastor, he had from conviction after full examination of the differences between the Church and the sects, joined the establishment; and the kindness which he ever showed towards the communion that he had quitted, afforded the best proof of this step having been taken from conscientious feelings. No one, indeed, who either in public or in private heard him discuss such questions, could entertain a doubt that upon the most serious of all subjects he had feelings of more than ordinary earnestness. His

opinions were, of course, fully matured, and all the reasonings as well as the learning connected with them, were manifestly familiar to his mind; but the depth of his feelings was alike apparent, and suited to the solemn nature of the discussion. His family was of the Saxon settlers from Scotland and the North of England; and though amply endowed with the gifts of fancy, the closeness of his reasoning powers, and the severity of his taste seem to betoken that origin. They, however, would be in a grievous error, who should suppose that his feelings were incapable of warming into enthusiasm, or that the powers of his imagination were enfeebled by the discipline which chastened and controlled them.

His education had been classical, as, indeed, no one who listened to him could doubt. But the delight with which, after his retirement from office, he visited Italy, and frequented the scenes in reality which were familiar to him in the pages of his favourite authors, showed how little age had chilled the feelings or bedimmed the memory of early associations. Upon his return from Rome, when a work there much esteemed and constantly spoken of, was recommended as a companion of his journey to Ireland, he said he had promised Horace a place in his carriage. "Surely you had enough of his company at Rome, where he was your constant companion." "Oh no! I never am tired of him. But then, if he dont go, I am engaged to Gil Blas."

Mr. Phillips has justly observed in his admirable work,* that from the vast "space which Lord Plunket filled in the public eye as a senator, justice has hardly been done to his merits as an advocate in the Courts of Law." In truth, he had all the talents, and had early acquired (if, indeed, they were not natural to him) all the habits which are essential to securing professional success;

* 'Curran and his Contemporaries.'

and though he did not start at once into great practice, his progress was uninterrupted, and at an accelerated rate. It was independent too of his success in Parliament; and when he took his place among the greatest debaters, in the Irish House of Commons, he had already won his way to a foremost rank at the Bar. Although his practice was chiefly in Chancery, where eloquence is by no means so effective as before a jury, and although he was comparatively little used to either the tactics, or the suddenly arising discussions, or the declamation of Nisi Prius, it was yet found that when he went into an Assize Court, whether criminal or civil, no man surpassed him either in extracting evidence by the examination of witnesses, or in dealing with it, or in addressing powerful arguments to the judgment, and appeals to the feelings, or to the sense of the ludicrous, of those who had the decision in their hands.

There never was in any court an advocate who worked more constantly by close reasoning, and the plain unadorned statement of facts, skilfully selected, and placed in bold relief, and wove into the argument; nor was there ever an advocate who more strictly performed his highest duty of keeping the interests of the cause alone in view, and sacrificing to that cause every personal consideration. If this be now stated in considering his conduct at Nisi Prius, it is not that in the Courts of Equity he less displayed the same great qualities, but because the temptation to swerve from the right line is much greater in addressing an assembly in some sort popular, than in arguing before a single and a professional judge. There his merely legal arguments had the highest merit. He is described by those who had often heard him as avoiding all ostentation of ingenuity or research, and disdaining everything like subtlety, but stating his reasons and comparing the authorities with perfect simplicity and clearness, the art, but the well

concealed art, being the marshalling of his propositions in such an order that you must assent to them successively, and were not aware how you had been drawn on towards the conclusion he desired to make you adopt, until you found it the last stage of the process. Thus he would distinguish the case in hand by numerous unexpectedly traced particulars, from the case cited against him, and which had at first appeared identical and decisive. He would then find as unlooked for a support to be derived from it in consequence of some part that had not been duly marked; or if neither support nor escape from it was possible, other authorities were set up against it, or circumstances so urged as to impair its force, if not to neutralize it altogether. In this as in every part of his addresses, whether to the court or to a jury, his whole object was to convince by arguments, because he deemed that the surest and safest way to the mind of rational men, and because he never threw away a thought upon anything but gaining his cause.

In this he closely resembled the greatest of advocates in modern times, and second to none of the ancient masters. The resemblance was not confined to the self-denial, the entire absorption in the cause, the invariable and, as it were, instinctive sacrifice to it of all feelings, save those which could insure its success; but Erskine, too, was eminently an argumentative speaker. His great orations, which are happily preserved (and those on more ordinary occasions down to the least important cases form no exception), are throughout, reasonings addressed to the understandings of his hearers, with rare appeals to their feelings or passions; and what at first glance appears figure or allusion, or sentiment, or declamation, or possibly mere ornament, is found, when more carefully considered, to be an essential portion of the reasoning. This, indeed, is even more true of Plunket than of Erskine; and it is characteristic of his eloquence, in the Senate as well as

at the Bar. There never was a more argumentative speaker; and the extraordinary impression produced by him in Parliament, was caused by the whole texture of his speeches being argumentative; the diction plain, but forcible; the turn often epigrammatic; the figures as natural as they were unexpected; so that what had occurred to no one, seemed as if every one ought to have anticipated it; but all—strong expressions, terse epigram, happy figure—were wholly subservient to the purpose in view, and were manifestly perceived never to be themselves the object, never to be introduced for their own sake; they were the sparks thrown off by the motion of the engine, not fireworks to amuse by their singularity, or please by their beauty; all was for use, not ornament; all for work, nothing for display; the subject ever in view, the speaker never, either of himself or of the audience. This, indeed, is the invariable result of the highest eloquence, of the greatest perfection of the art, and its complete concealment. In all great passages the artist himself, wrapt up in his work, is never thought of by his hearers, equally wrapt up in it, till the moment when they can pause and take breath, and reflect on the mastery which has been exercised over them, and can then first think of the Master.

There have been orators in all ages to whom this description applies; to many of them, however, only in occasional passages. But though Lord Plunket rarely, if ever, reached the highest point attained by so few in any age, of rapid, overpowering declamation clothed and combined with argument, he probably surpassed them all in this, that there was no interval whatever in his speech, the whole being an exemplification of the rule—clear statement, close reasoning, felicitous illustration, all strictly confined to the subject in hand, every portion without any exception furthering the process of conviction. That he possessed a lively imagination as well as strong feelings, was

manifest in almost every speech he delivered; that he had wit in the ordinary sense, the happy power of seizing on resemblances and diversities which escape other men's observation, is equally certain, though of course, like both his fancy and his feelings it was ever subdued to the use of the occasion.—It was employed not to season his discourse and give it a relish, but to help the argument. In society it appeared more frequently. To give instances would be easy—one or two may suffice. When Lord Essex once said that he had seen a brother of Sir John Leach, and could almost have thought it was the Master of the Rolls himself, so much did the manner run in the family, "I should as soon have thought of a wooden leg running in the family," said Plunket. "What has taken O'Connell over to Ireland?" said some one, at the time the tribute called rent was collecting: "Very likely to look after his tenants," was the answer.

The beauty of his figurative passages has been always extolled, and never with exaggerated praise. The great excellence was not merely in the power of imagination displayed, but in the absolute perfection of their fitness to the occasion. Like the point of his wit, his fancy was only employed to enforce the argument, or afford necessary illustration. The celebrated description of time as securing titles, cannot be too much admired for the perfect appropriateness of the figure, its striking and complete resemblance, as well as its raising before us an image, previously familiar to the mind in all particulars, except its connexion with the subject for which it is so unexpectedly but so naturally introduced. Like all the passages of the great master, its perfect concision is as remarkable as that of the great masters of song, the Dantes and Miltons, who with a single blow that needs not be repeated, accomplish their object: or like Demosthenes himself in the ὡσπερ νεφος and the

ὥσπερ οἱ βαρβάροι πυκτευουσιν.*—"Time with his scythe in his hand is ever mowing down the evidences of title; wherefore the wisdom of the law plants in his other hand the hour glass by which he metes out the periods of possession that shall supply the place of the muniments his scythe has destroyed." This speech was in the Court of Chancery many years ago. —But more recently in the House of Lords, as if to afford a triumphant refutation of the notion that his genius had felt the hand of age, he with consummate skill and an admirable figurative illustration, defended himself from the charge of inconsistency in supporting the great measure of 1831, when, like all the adherents of Lord Grenville, and indeed, of the Burke school to which he inclined, he had always been adverse to Parliamentary Reform. "In those days Reform approached us in a far different guise; it came as a felon and we resisted; it now comes as a creditor; we admit the debt, and only dispute on the instalments by which it shall be paid."

These are great and renowned passages; but numberless others occur in almost all his speeches, though much less celebrated, and for the most part the foundation is homely and unpretending. Thus to describe the effects of sedition and intimidation, if left unchecked, in extending itself, he takes the hackneyed simile of the undulations occasioned by a pebble thrown into a lake; but no one can deny the novel application of this well-known image. "The system of violence, though his country was not deemed particularly timid, and was now undisturbed, would have its effect there also. It was like a stone thrown into the water; circle succeeded circle; every new pro-

* Αρχιν γαρ τιθασιν might be given as an illustration, though not a simile—ανδρων ιστιφανων πασα γη ταφος is ascribed to Pericles by Thucydides; but he makes him go on to illustrate in a way Demosthenes probably would not have done; for the σηλων, the διαιτας and μη προσηκουσης almost reduce the fine metaphor to a fact.

selyte added to its powers; every one who was terrified became the instrument of intimidation. If this went on he knew not where it would end."

Speaking of the increasing numbers and might of the Roman Catholics:—"The power of all bodies of men depends upon their numbers, professions, wealth; upon their interest in commerce and manufactures, and upon their rank in your fleets and armies. These are, and have been the imperishable materials of political power since the foundation of the civilized world; gold and steel are the hinges of the gate on the road to it, and knowledge holds the key."

To give examples of his reasoning, apart from such illustrations, of its strict and pure logic, its happily but moderately employed antithesis, and the epigram of the pointed diction which conveyed it, would be to cite almost any portion of any speech; but, for the most part, the ratiocination could only be followed by examining a large portion of the statement. Let us see, however, if some passages of pure reasoning may not be selected from the body of the argument to which they belong, and give some idea, faint though it be, of this matchless orator's manner of putting his reasons.

He has denounced the double treason to our own religion and our constitution, in sanctioning by law the free exercise of the Catholics' faith, throwing away the religious test and substituting the political one in its place:—"If the political oath is an insufficient substitute for the religious adjuration, how can we be justifiable in allowing it to give the Catholic admission to the high constitutional privileges he now enjoys? If it is a sufficient substitute, we prevaricate with our own consciences, in refusing him admission, on the strength of it, to the remaining privileges which he requires. In direct violation of the policy which substituted the political oath for the religious declaration, we now say that we require his declaration that he

does not hold the religious doctrine which implies the political. But he is ready to swear that he does not hold the political doctrine; and still you prefer his declaration that he does not hold the opinion which furnishes the presumption, to his oath that he does not hold the opinion which is the thing presumed. Is not this a perfect proof that the political apprehension is a pretext, and that it is bigotry, or something worse, which is the motive? Is not this, also, a full attestation of your perfect reliance on the honour and sincerity of the Catholic, as well as of your own intolerance? You will accept his word as a proof that he has abjured his religious tenets, but you will not receive his oath as long as he abides by them. Is it he that is insincere in his oath? Then why trust his declaration? Has the oath a negative power? It is not merely that his oath is not binding; but that which shall be full evidence if he merely asserts it by implication, shall become utterly incredible if he swear to it directly. Why, this is worse than transubstantiation; it is as gross a rebellion against the evidence of demonstration, as the other is against the testimony of sense."

Of this other passage it may truly be said that there is in each of the sentences throughout, and in each member of some of the sentences, a complete argument. After indignantly denying the assertion "of some of their absurd advocates," that the Catholics are slaves, and affirming that they possess most of the privileges of this country, with the power which these rights confer, he proceeds:—"Do you believe that such a body, possessed of such a station, can submit to contumely and exclusion? That they will stand behind your chair at the public banquet? The less valuable in sordid computation the privilege, the more marked the insult in refusing it; and the more honourable the anxiety for possessing it. Miserable and unworthy wretches must they be if they ceased to aspire to it; base and dangerous hypocrites if they dissembled their

wishes; formidable instruments of domestic or foreign tyranny if they did not entertain them. The liberties of England would not, for half a century, remain proof against the contact and contagion of four millions of opulent and powerful subjects, who disregarded the honour of the state, and felt utterly uninterested in the constitution. In coming forward, then, with this claim of honourable ambition, they at once afford you the best pledge of their sincerity, and the most satisfactory evidence of their title. They claim the benefit of the ancient vital principle of the constitution, namely, that the honours of the state should be open to the talents and the virtues of all its members. Their adversaries invert the order of all civil society. They have made the Catholics an aristocracy, and they would treat them as a mob. They give to the lowest of the rabble, if he is a Protestant, what they refuse to the head of the peerage if he is a Catholic. They shut out my Lord Fingal from the state, and they make his footman a member of it; and this strange confusion of all social order they dignify with the name of the British constitution; and the proposal to consider the best and most conciliatory mode of correcting it, they cry down as a dangerous and presumptuous innovation."

That he was a man of peculiarly strong feelings is certain; how much he suffered from his domestic afflictions, and especially from the death of his brother, the eminent physician, is well known; he was laid aside by it for months. The vehemence of some passages which are preserved, and the tenderness of others, bear testimony to what has just been stated; but of course such are exceedingly rare, especially the pathetic. One is, however, too remarkable to be passed over.

The warmth of his affection for Mr. Grattan, as well as the deep reverence which he naturally felt for him, well-nigh overpowered him when, in his famous speech of 1821, he was dwelling on the loss which the cause

had sustained by the death of eminent supporters. "But above all," he said, "when I dwell upon that last overwhelming loss—the loss of that great man in whose place I this night unworthily stand, and with the description of whose exalted merits I would not trust myself—God knows I cannot feel any triumph! Walking before the sacred images of these illustrious dead, as in a public and solemn procession, shall we not dismiss all party feeling, all angry passions and unworthy prejudices? I will not talk of triumph; I will not mix in this act of public justice anything that can awaken personal animosity."—The effect which the pathos of this truly noble passage produced, is, by all who heard it, pronounced to baffle description.

Although, upon the genius of the orator, and upon his professional conduct, there can be no diversity of opinion, men, of course, will, according to their different sentiments and prejudices, and especially the party principles which divide them, pronounce different judgments upon his political conduct. That he steadily pursued one course as the friend of civil and religious liberty, is undeniable. The only objection taken to his consistency is grounded on the course which he pursued in 1819, when he gave great offence to the Whig opposition, by supporting the famous Six Acts; and as we most conscientiously believed, upon an erroneous view of the facts, as well as an incorrect estimate of the effects ascribed to the remedies propounded for the mischief, not unjustly apprehended from the state of the country. We also strenuously and unanimously contended against him that the existing law was sufficient to meet the evils complained of, and that it never had been put in force.—It must, however, be confessed, that he erred in company with some of the greatest statesmen of the day, and those most attached to constitutional principles—Lord Grenville and Lord Wellesley; they took the same view both of the evil and the remedy.

We, on the other hand, had to strengthen our convictions, the subsequent evidence of facts; for the restraints upon popular meetings, ceasing by the proviso of the Act, in case of a General Election, the dissolution which followed on the demise of the Crown was attended with none of the dangers to the public peace which had been the ground of the enactments. After, however, the heats of party warfare had cooled, it was admitted that some restraint upon the right of meeting had become necessary for the sake of preserving that valuable privilege to the people. One of the stoutest supporters of our party, and of all liberal principles, Lord Hutchinson, very distinctly stated at the time, that aware of the risks to which this popular right was exposed of being entirely lost through the gross abuse of it, he felt thankful that the restrictions which he deemed necessary for its preservation, had been propounded by the Tory Party, and not by the Whigs.

In 1815, Lord Plunket also differed with his political friends, agreeing, however, with Lord Grenville, upon the question raised by Napoleon's return from Elba. On this occasion, the event decided with him. But he had not, as on the other question, four years later, the satisfaction of agreeing with Lord Wellesley. That great and experienced statesman held the renewal of the war to be without justification, taking into account the change in Napoleon's character, as well as in the circumstances both of France and of the other European powers; an opinion which, supported though it be by many plausible arguments, is at this day not a little difficult to maintain.

Of Lord Plunket's judicial character, they who have attended to the proceedings upon appeal in the House of Lords, have always formed a favourable estimate; and when he was, by a strange and inexplicable transaction, thrust out of his high office, the pretext alleged, that his judicial conduct betrayed indications of declin-

ing vigour, was triumphantly exposed, and shown to have not the shadow of foundation, by an examination of his decrees, and of the reception they met with before the Court of Appellate Jurisdiction.

Of that transaction it would be difficult to speak in terms of adequate reprobation. It is to be placed among the most signal acts of political ingratitude and injustice which the annals of the profession and of party present to warn lawyers against putting their trust in princes, and the ministers of princes.

It only remains to add, that no act of his after-life, nor any speech, nor indeed any private complaint proceeding from him, ever showed that he felt, what he had ample right to feel and to express, his sense of the treatment which he had received.

DUKE OF WELLINGTON.

HIGH among the statesmen of England stands her greatest captain. That we may, without fear of falling into error, acknowledge this title, notwithstanding the just fame of Marlborough, seems manifest from the much greater variety in the circumstances of the wars which he carried on, and from the incomparably greater difficulties with which he had to contend. Compared with the obstructions created by the Portuguese Government, and the Spanish Cortes, the Spanish people, and their armies, and their commanders, the trouble given by the Dutch Field Deputies, and the German allies, sink into insignificance, even if we do not set against Marlborough's difficulties the inestimable advantage of Prince Eugene's powerful and able co-operation; while all the opposition which the factions at home raised was as nothing compared to the want of support from the Government which made the Duke's illustrious brother resign his place in that Government, and the unceasing attacks on all his movements, as well by parties in Parliament—with eminent statesmen at their head—as by the multitude out of doors, whom the unrestrained press partly instigated, and partly followed.* But another diversity is

* *Extracts from the Duke's Despatches.*

"I act with a sword hanging over me, which will fall upon me whatever may be the result of affairs here. (This refers to the popular clamours in England.) My opinion is, that a plot is on foot against the English to counteract our pretensions to command the army. Either Souza must quit the country or I shall. It is useless to propose any arrangement for this or any other purpose if the Portuguese Government will execute nothing."

"The Spaniards have neither numbers, efficiency, discipline, bravery,

to be named still more important. The troops of France, inured to victory by fifteen years of triumph over all the armies of the Continent, were led by the generals whom they had followed to their victories; and the greatest of them all both superintended their movements, and, finally, took the command in person. It is very possible, that, placed in these circumstances, Marlborough might have fought and conquered; but

nor arrangement to carry on the contest. They forget that, by the folly and treachery of their own officers, they have been brought into the state, in which they there find themselves."—"What can be done for this lost nation? As for raising men or supplies, or taking any one measure to enable them to carry on the war, that is out of the question."

"In addition to embarrassments of all descriptions surrounding us on all sides, I have to contend with an ancient enmity between the two nations, (Spanish and Portuguese,) of which no sense of common danger, or common interest, or anything can get the better, even in individuals."

"I have never been in such distress as at present. As it is, if we do not find the means of paying our butcher's bills, there will be an end to the war at once. Since Great Britain was a naval force, a British army has never been left in such a situation."

"Although the army have been engaged two days and have defeated twice their numbers, in the service of Spain, they have not bread to eat. It is positively a fact, that during the last seven days the British army have not received one-third of their provisions. I have already fought one battle on this frontier with defective equipments of all kinds, owing to the neglect of the Portuguese government, and I am on the eve of another."

"But this will not do. There is not another officer in the service who would go through what I daily endure to keep the machinèe together, and it cannot last."

"There is no end of the calumnies against me and the army, and I should have no time to do anything else if I were to begin to refute or even to notice them."

"False reports and deceptions of every description are tried, and the popular insults to show us what the general opinion is of our conduct. However, nothing of this kind shall make me take one step either way which is not dictated by my sense of what is best for the cause."

"It is extraordinary that the revolution in Spain should not have produced one man with any knowledge of the real situation of the country. It really appears as if they were all drunk and thinking and talking of any other subject but Spain. Where it is to end, God knows."

"I persevered in the system which I thought best, notwithstanding that it was the opinion of every British officer in the country that I ought to embark the army; while, on the other hand, the Portuguese civil authorities contend that the war ought to be maintained on the frontier, for which they wanted not only physical force, but also the means of provid-

the difference is, that the great Duke actually did fight and did conquer, which at once decides the question in his favour.

They who foretold that "when he should yield to fate, who had never yielded to man, enemy, or rival, every whisper of detraction would be hushed, and each voice be raised to proclaim his transcendent merit,"* not having reserved themselves till that day unhappily arrived, may well be permitted now to renew their panegyric, the more especially as it is well known that the same eulogies which were pronounced in his presence, had been habitually declared in his absence, and at times of the greatest difference of opinion upon public affairs, and of as entire antagonism as the divisions of party ever engendered.—"The mighty Captain, who never advanced but to cover his arms with glory—the mightier Captain, who never retreated but to eclipse that glory by the far higher fame of unwearied patience, unbroken energy, indomitable fortitude, the wonders of a skill whose resources are exhaustless, the miracles of a moral

ing for the force they could produce in the field. I believe nothing but something worse than firmness could have carried me through the nine months' discussions with these contending opinions."—(1811.)

"If I fail, may God have mercy on me, for nobody else will."—(Jan. 1810.)

"Upon the whole, I entertain no doubt of the final success of the measures I am carrying on."—(1811.)

"If the Emperor of Russia has any resources, is prudent, and his Russians will really fight, Bonaparte will not succeed."—(1815.)

"I can only tell you that if I were a prince of the House of Bourbon, nothing should prevent me from now coming forward, not in a good house in London, but in the field in France; and if England stood by him, I am certain he would succeed."—(1813.)

* This prospect was indeed realized: "The event has surpassed the expectation. All classes, every description of his fellow-citizens, without distinction of rank, or party, or sect—abroad as at home—the country he served, the allies he saved, the adversaries he encountered, in just recollection of benefits, or in generous oblivion of differences, all, not inconsiderately, but with discriminating reflection, have joined with an assent so unbroken, so universal as, I verily believe, is not recorded in the history of human renown."—*Lords' Debate*, 12th November, 1852.

courage which nothing can shake — despising the thwartings of ill-counselled advice—disregarding all blame so he knew it to be unmerited—laughing to scorn reviling enemies, jealous competitors, lukewarm friends—aye, hardest of all, careless even of the fickle public; but keeping his own course, and casting forward his eye as a man ought, else he is unworthy of commanding men, to the time when the momentary cloud must pass away from the public mind, well knowing that in the end the people is ever just to merit. The ordinary run of mankind are apt to be misled in their judgments. Dazzled by the splendour of great actions, they are prone to overlook the landmarks that separate the various departments of human desert. Oftentimes they are deceived by the glitter of the coin, and regardless of the die that guarantees its purity, or the weight that attests the value of the metal. Thus you hear their applauses lavished upon martial deeds 'of high emprise,' justly, no doubt, but as if there were nothing more glorious than the triumphs reaped on the well-foughten field. Yet if Vimeira, if the Douro, and Assaye, and Talavera, and Salamanca, and Vittoria, and Toulouse, and Waterloo, —if these shine bright upon the medallion that vainly attempts to perpetuate such fame, sober-minded and thoughtful men will pause ere they pronounce these to be the brightest achievements of the great Captain's career. The reflecting mind will pierce below the surface of men's actions; and point the look of greatest wonder to the contemplation of the lines of Torres Vedras, long sustained by matchless firmness in the most adverse circumstances—the retreat from Burgos, in which consummate generalship vied with consummate fortitude—the battle of Busaco, won under accumulated difficulties. All meditation of human affairs and human conduct teaches us to set the highest value upon that genius which displays its temper and its extent by a skill as fertile of resources under

adverse fortune, as swift in movements to meet sudden variation of circumstances—guided, supported by a firmness of purpose which nothing can shake or can divert—keeping its own counsel unnerved and unshaken—and piercing the surrounding cloud to gain a view of the success upon which it reckons, because it has been well earned. This is a noble—this a moral courage, a courage unknown and incomprehensible to the vulgar brave!"*

Then, if we must go back to former ages in order to find a parallel, the eye rests naturally on Cæsar—the greatest man of ancient times—but he only surpassed the Duke in the "worthless accomplishment of practised oratory, almost epidemic at Rome; our guest himself being all the while, in his own person, (if you will trust a constant witness and no inexperienced judge,) among the most powerful and efficient of debaters—Cæsar, who led the disciplined and accomplished legions of Rome through the almost unresisting medium of savage hordes, without knowledge, without rule, without art; ill commanded—worse equipped;—led them almost as a boat cuts through the wave, or an eagle cleaves the air—Cæsar, who never measured his arms with a worthy antagonist, until he brought back his troops inured to easier victory, and met the forces of his countrymen marshalled under a warrior broken with years, when the conqueror crossed that river which all the confidence of all the armies under the sun never could have tempted our illustrious Chief even to let the dream of crossing pass over his imagination,—the Rubicon, that separates the provinces of the honest, the peaceful, the loyal citizen, and of the traitor, the usurper, the tyrant. Or shall the comparison be made, and only made to be dismissed at once, with the greatest of all the ancient captains—the Carthaginian leader? But his consummate genius was debased, and the wonderful growth of his great

* Speech at Dover Festival, 1839.

faculties was stifled and choked, by a base undergrowth of the very worst vices that can degrade and pervert the nature of man; and none will think of comparing the unprincipled profligacy, the worse than barbarian cruelty, the worse than Punic faith which predominated in him, with the stern integrity, the straightforward honesty, the artless simplicity, which form the principal charm in the character of the modern warrior."

But in one particular he stands pre-eminent over all these, and especially over Napoleon, him whom he last overthrew; and this difference — "divides those chiefs of ancient days and of other countries, by an impassable gulf from ours. They were conquerors, inflamed with the thirst of dominion, and they spilt rivers of blood to slake it; they were tyrants, and nothing could quench their lust of power at home, but the destruction of liberty, as nothing abroad could satiate their appetite for conquest, but the destruction of their kind. Our hero has never drawn his sword but in that defensive war, which alone, of all warfare, is not the greatest of crimes; never unsheathed it against the liberties of any people, but constantly, blessed be God! triumphantly unsheathed it to secure the liberties of all: the servant of his Sovereign to command his troops, but the soldier and defender of his country; the enemy of her enemies, be they foreign or domestic; the fast friend to the rights of his fellow-citizens, and the undaunted champion of her free Constitution."

The peculiar characteristic of this great man, and which, though far less dazzling than his exalted genius, and his marvellous fortune, is incomparably more useful for the contemplation of the statesman, as well as the moralist, is that constant abnegation of all selfish feelings, that habitual sacrifice of every personal, every party consideration to the single object of strict duty — duty rigorously performed in what station soever he

might be called to act. This was ever perceived to be his distinguishing quality; and it was displayed at every period of his public life, and in all matters from the most trifling to the most important. An example is often cited as illustrating this truly admirable peculiarity. He was always exceedingly fond of music, and in his youth he played on the violoncello. One morning this pastime kept him till too late for parade, he being then a subaltern officer. From that hour he never touched the instrument; to the end of his life his love of music continued throughout as great as before. That he took so little interest in any but vocal music, is very possibly attributable to the same incident. That he early abstained from the use of wine, except in the most moderate degree, is possibly owing to some such accidental circumstance; for it is said, that when a very young man, he gave way, like others, to this pernicious indulgence.

It would be quite superfluous to dwell on the singular brilliancy of his career, and the uninterrupted success which his marvellous circumspection and calm but immovable resolution, secured in the face of such difficulties as no other man ever had to contend with. Rather than recount how many times he was thanked by the Parliament, what honours he received from the Crown and two Houses with the perfectly unanimous approval of the people at times of the fiercest party conflicts, what happy fortune attended him in circumstances where success must of necessity depend half upon chance, — quantas ille res domi militiæque quantaque felicitate gesserit; ut ejus semper voluntatibus non modo cives assenserint, socii obtemperarint, hostes obedierint, sed etiam venti tempestatesque obsecundarint*— it is more important to consider such peculiarities as are apt to escape the vulgar eye—and of these the most remarkable is the early maturity of his

* Pro Leg. Manil.

genius. When that extraordinary and most instructive publication of his Despatches appeared, respecting which he once with good-humoured pleasantry observed, that he was surprised to find himself one of the most voluminous of authors, and the study of which is known to have converted some very eminent statesmen who had, under the influence of party prejudices, greatly misjudged him, and who now declared at once and in the strongest terms how grievously they had erred —perhaps the most striking of the reflections which arose in the reader's mind was what manifest proofs were everywhere afforded that it was the same man throughout; and that at the outset of his life, when commanding, or when negotiating, with the armies or the native powers of India, and bearing his part in the civil as well as military administration of his brother, there appears precisely the same genius and the same virtue which were afterwards displayed in Europe. The Despatches through the whole of these most interesting volumes are plainly the work of the same person, and record the self-same conduct, both in council and in the field. The identity of the man is complete; the manner, as is the expression respecting the great masters of art, is the same in this great master of the arts of War and of Government; his *first manner* is as unchanged as would have been that of Raphael, had he produced the Transfiguration when he left the school of Pietro Perugino.

But, as regards state affairs, an important change took place in the circumstances, indeed in the sphere, in which he was called to act so conspicuous a part. In the East, and before the peace of 1815, he had not to deal with popular governments, unless in so far as he felt the obstructions which our parties placed in the way of his military operations. At the close of the war, too, for some years, he was only engaged in negotiations with powers which had no constitutional government; and his great knowledge of every-

thing that bore upon our foreign relations, with his extraordinary sagacity, his habitual circumspection, his dispassionate view of every question, his instinctive perception of the point at which to yield or to compromise,* his absolute firmness of purpose when all opposition was to be overcome, and all difficulties to be disregarded, rendered his assistance in the complicated proceedings of those days invaluable, independent of the weight resulting from his personal authority with foreign courts; but also his co-operation with the government at home, and even for some time after he had become a member of it, was confined to questions of foreign policy. He found himself in a novel position upon domestic questions, as the minister of a government conducted in Parliament; and with the modesty of his nature, as well as the good sense which suggested the jealousy felt of military rulers, he abstained from either taking a prominent part, or even exerting the whole of his just influence over his colleagues. The great error, to call it by no worse name, of the submission to the royal caprice in 1820, never could have been committed had the Duke been as many months as he was weeks in office, and had the over-ruling influence over the Prince, which he soon obtained, been as freely exerted as it afterwards was in some of the most delicate matters connected with that shameful passage in our history. In all things of little moment, his principles, both of attachment to monarchical government and of submission to lawful authority, made him lean towards the head of the state.

The great measure of 1829 was certainly his work.

* "If there is any one eminent criterion which above all the rest distinguishes a wise Government from an administration weak and improvident, it is this—Well to know the best time and manner of yielding what it is impossible to keep."—*Burke's Speech on Economical Reform.* The application of this wise saying is not confined to one branch of Government, and it deserves to be borne in mind upon the next subject of consideration, the change of policy in 1829.

From his long connexion with the Irish government, which he had served in early life on the Duke of Richmond's staff, and afterwards as Chief Secretary, he had to combat strong prejudices, perhaps opinions not altogether deserving that name. The obstruction of party trammels he felt far less; the sense of a large majority of the people he respected, because he knew it to be grounded upon religious scruples conscientiously entertained; but his opinion was formed upon a deliberate consideration of the whole question; and regarding the time as come for repealing the remaining portion of the penal laws, upon the difficulties which were alike interposed by the Crown, by the Parliament, and by the country, he only looked in order promptly and effectually, we need not add, resolutely, to overcome them. Two circumstances may be mentioned not so generally known as the other parts of the story. He had resigned with most of his colleagues, and had taken leave of the King, who from the declarations of the opposition in the House of Commons, found that he could no more find successors to his confidence, willing to carry their own favourite measures, than in 1820 he could from the same quarter obtain a ministry on the ground of his abandoning the proceedings against his consort.* Aware, too, of the risk which the question ran from any premature disclosure, and how necessary was its being at once announced to Parliament, and adopted before time could be given to revive the spirit of religious animo-

* The King had held out to his ministers in 1820 that he would send for their adversaries; but aware how impossible it was to make even the most lukewarm opposers of the Bill agree to help in carrying it, he added that he should give it up; the threat, therefore, was merely penal. In 1829 it was repeated in the like form, and was frustrated by the same announcement on our part. This I had the satisfaction of making on the part of the Whig opposition; Mr. Huskisson made it on behalf of the Canning party. We both acted on information of what had passed at Windsor.—(February 5, and especially March 3, 1829.)

sity, the Duke carried on himself the correspondence which was required, and sat in councils to which only some five or six were summoned beside the cabinet itself.

The succeeding year witnessed the only error of the Duke's life, whether military or civil, his declaration against Parliamentary Reform, or rather the manner in which that antagonism was announced. Had he only opposed our great measure without protesting against all improvement whatever in the system, as a thing impossible because of its perfection, it is highly probable that a much less considerable change would have satisfied us, than we were thus induced to propound, from finding that his hostility was so general and uncompromising. We had, indeed, believed till the very opening of the session that a measure of Reform, though of an exceedingly imperfect kind, was in contemplation by the government, if not actually prepared; and we knew that certain of the liberal party were disposed to accept from the Tories an instalment, in the notion of owing nothing to the Whigs, the regular opposition party, on whose chances of power they little relied, and in the expectation of afterwards obtaining further concessions from their adversaries. But the Duke's declaration extinguished all such hopes, and indeed rendered the proposal of a large measure the more necessary as well as the more feasible. That the cause of Reform gained much by this cannot be doubted; but as the Duke was from deep conviction averse to it, and believed the fate of the monarchy to be involved in making any change whatever in the structure of the Parliament, the course which he took enabling us to effect a change so large that some of its most strenuous supporters have not hesitated to term it a revolution, must be admitted to have deserved the appellation of an extraordinary error, and one betokening an acquaintance as yet imperfect,

with the temper and indeed with the recent history of the English people. It must be further confessed that much of our success, indeed the change of ministry which led to propounding the measure, was owing to his admirable conduct at the General Election. No minister ever abstained so scrupulously from the exercise of undue influence. There was the most uncontrolled freedom of choice everywhere. He nobly threw himself upon the country; and disdained in making his appeal, to have any course pursued which could prevent the most unbiassed answer being given. Perceiving, too, from the returns that the motion for Reform, of which I had given notice, was likely to be carried, he wisely resigned on the day fixed for it, because Sir H. Parnell's resolution had been carried the evening before, justly considering that had a change of ministry been effected upon a vote in favour of Parliamentary Reform, the expectations of the country would have been satisfied with nothing short of Annual Parliaments and Universal Suffrage.

His conduct during the whole of the debates in both sessions upon that measure was exemplary. Opposing it to the utmost of his power, no one could charge him with making the least approach to factious violence, or with ever taking an unfair advantage. His sagacious question, too—"How the King's Government was henceforth to be carried on?"—sunk deep in the minds of many among our stoutest supporters. That some changes of a practical and not unimportant kind must be effected in the newly constituted House of Commons, and some other statutory provisions made respecting the vacating of seats, many of us held to be undeniable. With the entire concurrence of my colleagues, I pledged myself, that if he would allow the second reading of the Bill, safeguards would be favourably considered in the committee. But next year it was too late, and the measure has been greatly

the worse for the omission.* Upon two important matters connected with this subject, I have more than once conversed with him. He had formed the opinion, which was my own throughout, that the Bill might have been successfully opposed 1st March, 1831, had Sir Robert Peel at once denounced it as revolution and not reform, and refused leave to bring it in, the majority of the House being with him, and the country not yet stirred up to support it. This was the course which we expected; and on the intelligence reaching us that our adversaries had missed their way, we at once conceived the day to be our own. That was the Duke's opinion also; he admitted that there were men of weight, and representing powerful interests on the Conservative side, who objected peremptorily to this course. But then he saw very plainly that decided conduct on the part of their chiefs would have overpowered, if it did not persuade, their adherents.—Again, he always believed that our creation of Peers was a threat, or, as he called it, a "demonstration," and could not be persuaded that we should, if pressed, have recourse to it. Accordingly, when he saw my statement† many years after, of the reluctance with which we contemplated that necessity, and that Lord Grey upon my assertion to this effect being read to him, had declared that I stated it as far as he was concerned, much below the truth, the Duke was greatly delighted, and said, "Then you now confess you were playing a game of brag with me!"—My answer, however, was, that he entirely mistook the thing, for that; the creation was inevitable had it become necessary: and certainly when he with his wonted sagacity and honesty counselled the Secession, he showed that he had not so

* One proof of this was immediately afforded. The Attorney-General was kept out of Parliament a whole session, and all the Bills for the amendment of the Law were stopped.

† Political Philosophy, vol. iii. chap. 29, p. 307.

great a confidence in his estimate of our intentions as to run the risk. That he was previously quite prepared to take the Government, putting an end to the Ministerial Interregnum, can admit of no doubt; though this is not stated upon the authority of any communication from himself.

After the Bill had passed, the same absence of all factious feelings marked his conduct. That he had strong political opinions, and believed in the efficacy of party union for giving support and success to his principles, is unquestionable. But as he held those opinions from a sincere conviction that their adoption by the supreme power, the Legislature, was essential to the welfare of the country, so he never could suffer his party bias to come in conflict with that welfare, the securing of which was the great object of all his exertions. What so many other men only profess as their principle of action, he made without any deviation, inflexibly the rule of his conduct, ever making party views yield to the public good, their power of promoting which he considered the only justification of party attachments. A remarkable instance of this occurred the year after the Reform Bill came into operation. By an unaccountable oversight, a Bill was sent up from the Commons, which would have enabled a majority obtained by surprise in that House, to disfranchise any boroughs, if the Lords joined in the resolution. Nothing could have better suited the mere party views of the Duke's supporters than to pass this Bill. He was appealed to, and at once declared that he should join in altering it essentially. He gave me the heads of a plan, and desired my co-operation in rendering it more complete and effectual. We agreed upon the whole measure, after a full consideration; and with the utmost candour he adopted two material changes in his scheme. He had proposed that a committee should be formed of equal numbers from both Houses, to investigate the charge of general cor-

ruption brought against any borough; that their report should be as a special verdict, conclusive as finding the facts; and that the legislature should act as it thought fit upon such finding. The changes which I suggested were to give the Commons seven members, the Lords five; and that the whole inquiry should be carried on under a Judge, member of neither House. We carried the measure without difficulty through the Select Committee; it was sent down to the Commons as an amendment of their Bill; but though no one denied how great an improvement had been made, they unavoidably postponed it as being in fact a new Bill.

This plan of the Duke was of general application, and would be the greatest improvement that can well be imagined of our Private Bill legislation. Nor was he at all averse to such an extension of his proposal. When in 1837, I moved the new standing orders, which being now adopted by both Houses, have so materially improved the procedure, it was in concert with him that the Resolutions were brought forward. On our way to the Select Committee, he urged me to try the larger measure, the Joint Committee as proposed three years before; and added, "We can but be defeated, and then we fall back upon the less efficacious plan." Quite certain of his firm and indeed zealous support, Lord Ellenborough too joining us, the attempt was made; but as some of the Committee were averse to almost any change in the existing course of procedure, we were obliged to rest satisfied with the minor plan, which, though a great improvement upon the old system, we felt was a less adequate remedy than might be desired for the evil. If the effectual measure shall ever be adopted, it may truly be said, that to the Duke alone will the gratitude of Parliament and of the Country be due for the greatest (and all things considered, the most daring) practical improvement ever effected in British Legislation.

It is fit that, in the last place, we consider him as a speaker—a speaker for business, not show—a debater. In this capacity he stands very high indeed. We cannot deny that Julius Cæsar was, in the common acceptation of the term, a greater orator—he of whom it was said, that, had he devoted himself to the Forum, as he intended probably at one time (for he studied under a professional rhetorician at Rhodes), "no one else could have been named with Cicero." But he was, in all likelihood, not equal as a debater; and there seems reason to think that Cæsar's eloquence was, in a great degree, artificial and rhetorical, notwithstanding the force ascribed to it.* One observation made upon it by Quinctilian (imitating, by the way, if not parodying, a passage of Livy) seems equally applicable, in part at least, to the Duke, that he made speeches with the same genius with which he made war—the same vigour and the same acumen. We might not add the same vehemence; but, on the other hand, the Roman orator, we may safely affirm, argued less closely, expounded more diffusely, and had not always before his eyes in speaking that elementary proposition, which the Duke never for an instant lost sight of, whether in speech or in action—that the shortest line between two points is a straight line.

It would be difficult to find any one in any assembly who more clearly and concisely brought before

* It is hardly necessary to remark, that we have no remains of his speeches; for the notes he gives of his addresses (*conciones*) to the soldiers, in his Commentaries, are only the heads, and were written long after; the speech in Sallust, like that of Cato, is plainly the historian's own composition. Sallust's diligence in collecting information upon that famous debate, must have been confined to the topics merely, though Cicero had laid the foundation of reporting, and even of short-hand reporting, on that occasion, by causing the debates on the conspiracy to be thus preserved, as we learn from Plutarch (Cato, c. 23.) But even as to the topics, the Fourth Catalinarian shows how unfaithful Sallust's account of the debate is. Indeed, nothing can be more unfair than his whole treatment of Cicero.—Of Cæsar's letters two or three remain, and they are truly admirable.

his audience the whole of his subject, the whole which it was important to unfold,—who left so distinct an impression of the opinions he meant to declare, or gave more cogent reasons in support of them—reasons, if not sufficient to convince others, yet quite sufficient, not only to show the grounds of his own conviction, but that he logically deduced it from his premises. Accordingly he was, *(experto crede)* of all the debaters in our day, with perhaps the exception of Lord Plunket, the most difficult to grapple with, the hardest to answer. Nor did it seem to make any difference that the subject happened to be one with which he was little conversant in detail. His speeches on commercial and financial questions were really as admirable as on subjects of foreign and military policy. Nay, I shall not easily forget the remark of one of the greatest orators of our times (Lord Ellenborough) when we left the House of Lords together, in equal admiration of the Duke's extraordinary speech upon Subscription, as connected with the Universities, a question with which he must be supposed little familiar: "Did you observe that the whole hour he spoke, not one topic but the best chosen, nor one word for which another equally fitting could have been substituted?" It is to be remembered that he greatly improved as a speaker after he became Prime Minister in 1828. The perfect modesty of his nature, with his unfailing good sense (if indeed the two things can be separated), made him incapable of harbouring any notion that it was beneath him to take pains: and as it had been once or twice thrown out in debate that he had a habit of begging the question (the pleasantry coming from a friendly quarter, that there were different kinds of beggars, the sturdy as well as the gentle and dexterous), it might be seen that latterly he carefully avoided falling into an error extremely natural to an unpractised orator.

As for his undeviating candour and fairness, his constant love of justice, his perpetual desire to secure

their due to all, his instinctive hatred of oppression and contempt of fraud,—these are moral qualities, not rhetorical, and qualities which, if the most eloquent of all men, the unprincipled Greek orators, could have been made to comprehend, they certainly would not have much respected.

Lord Denman once made a remark, strikingly true in itself, and which came with peculiar grace from the greatest judge of the day. It was when he saw the eagerness with which the Duke rushed forward, as it were, to defend some officer unfairly attacked, or to obtain for him the share of commendation that he thought had been inadequately awarded.—"Of all that man's great and good qualities, the one which stands first, is his anxious desire ever to see justice done, and the pain he manifestly feels from the sight of injustice."

RECOLLECTIONS OF A DECEASED WELSH JUDGE.

As the alterations in our judicial system, which they are gravely pleased to call reform of the law, have now reached the Principality, we, its regular judges, are abolished, with its peculiar courts, and the judges of England are let in upon the Celtic countrymen of Howel-dha and King Arthur. It may be all very well for the state at large; for the individuals concerned, it is not quite so well. They give us—some of us, at least—retiring pensions; but we had much rather continue to work for our bread; and though the morsel was not very large, neither was the labour great. I used to reckon it child's play, compared to the Northern Circuit, which I quitted for it: and though the Courts were more dull than can easily be described, from the excessive stupidity of the people, both witnesses and jurors, the difficulty of getting anything like English out of them, or putting anything like sense into them,—the trifling nature of their endless disputes, the inextricable entanglement of their endless pedigrees,—yet the assizes lasted but a couple of days at each place, for the most part; and there was great pleasure in their clear air and fine scenery, especially after the House of Commons and Westminster Hall had fatigued one, and made London intolerable: their streams were pure and refreshing, to say nothing of their fish; and their hills were wild and sunny, without taking into account the good mutton they fed. The place of a Welsh Judge, therefore, compatible with practice at the bar, and a seat in

Parliament, was much prized in our profession, at least by all who either wished to retire from part of their fatigue, or who had less work than they could wish. It was a preferment, too, which sometimes led to higher place. But I freely admit that my judgment respecting the important change which assimilated the jurisdiction, is not an impartial one. I lost my place, and, except in my pension, had no compensation; for I am no great law reformer; nor, indeed, judging from what I have known of the tribe either at the bar or in society, am I disposed to be a reformer in any sense of the word.

It has occurred to me that I may employ the addition thus made to my leisure, not unpleasantly to myself, and not unprofitably to those who come after me, by setting down without much pretension to order, and with no affectation of history, still less of system, such Recollections as from time to time occur to me, of the Bar and the Bench, since I have known them. There are not many of our body who have lived longer in it, or more associated with my brethren; and I believe there is no one who esteems both that "renowned profession" (as Erskine used to call it) and its members more affectionately than I have ever done. They have little therefore to apprehend from my pen, if I had any gall in my nature to distil through it. Moreover, as I really have no bias on my mind, and am writing only to amuse myself with these reminiscences, without any other object to gain, what I say will at least have the recommendation of being only said because it is true—a recommendation not very generally belonging to anecdotes, which are related with the design of either raising or lowering some persons, or with the more excusable, but not very respectable, desire of setting the table in a roar, by fancy dressed up in the cloak of memory. As for history, far be it from me to make any pretence to deal in any such wares. Whoever has led causes as

an advocate, or heard them as a judge, must know how great is the difficulty of ascertaining the most simple and ordinary matters of fact. Yet our books of history contain distinct accounts of things the most difficult to discover,—of matters which half the world regards one way, half the other,—of much that never can be discerned, and of more that no two men will agree in telling the same way. My aim is of a much humbler elevation, but I am much more likely to hit my mark.

When I first joined the Northern Circuit, it happened to me that I was the last called to the bar; and so I was with much solemnity — which then appeared to me *mummery*—declared to be Mr. Junior. On some circuits, as the Midland, he is called Recorder; but all circuits have such an officer, to keep the minutes of their transactions. However, it is admitted that there is none of the six, not reckoning our humbler Welsh circuits, at all equal to the Northern in the regularity of its proceedings, and the strict discipline which is enforced. I very soon had an opportunity of seeing an example; and though, like most of our acts, it wore the outward form of a joke, it carried with it a serious warning, and concealed under a playful outside an important moral. Mr. Giles, familiarly called Dan Giles, joined the circuit at the same time, though called a term before me. He was the son of a great and very wealthy city merchant; and, whether from the provident care of his father, or because he himself, like the connexion of another city character renowned in song, "had a frugal mind," he brought with him sundry letters of introduction from city solicitors to their brethren at York. These were delivered by young Dan; and, immediately on the fact being known, "a special Grand Court of the Northern Circuit" was holden, as soon as the cloth was removed, after our mess-dinner. I had as yet only seen the court called for my election, or rather installation, as Junior; and it had only lasted a few

minutes. I was now to see a somewhat longer sitting of that secret tribunal. First came the crier, George Wood, afterwards Baron of the Exchequer, who, making proclamation with three O yez's, called on all manner of persons who owed suit and service to the Grand Court to draw near and give their attendance. I begin to doubt if these mysteries are to be written down, *si sit mihi fas audita loqui.* However, I shall only reveal of the things *caligine mersas*, what no one can regard as covered with an impenetrable veil—nothing which is not matter of common conversation in presence of the uninitiated. Proclamation having been thus duly made, up rose Mr. Attorney-General Law, afterwards filling the *inferior* office of King's Attorney-General, now holding that of the Circuit. He gave the Court to be informed that he had an offender, though a young one, to bring before them, in the person of one Daniel Giles, Gent.; and then recited, in a count or two, the matter of his information, to wit, the delivery of letters of introduction to attorneys. He presumed a possible ignorance of the party, that he was committing a grave offence, and craved the sentence of the Court, which was then pronounced on the motion of Serjeant Cockell (called Sir John, though his name was William; but he was a great actor, and ably personated Falstaff, both in acting and in drinking, as well as in other particulars). He moved that Giles be forthwith appointed Penny Postman to the Circuit, from the genius he had shown for carrying and delivering letters. This was agreed to; and the young gentleman accordingly ever after held the place,—and never after delivered any letters of introduction, I will answer for it.

When the assizes for York had nearly closed, our Grand Night was held; but its mysteries I am not to unveil. This only I may say, that the speeches of Mr. Attorney-General and Mr. Solicitor were full of a kind of wit and humour, which then seemed to me

more broad than refined; a kind of lumbering, rough, horseplay joke pervaded it; and it was so much couched in conventional forms, having such frequent allusion to circuit anecdotes, with which I then was unacquainted, that I with some difficulty could be made, by those who sat next me, to comprehend the cause of the shouts of hearty laughter which followed each pleasantry. Thus I heard the excellent and amiable and most able Holroyd called currently "the Flagitious Holroyd,"—and sometimes, by way of variety, "Seely Holroyd." This it seems arose from some letter that had been read at a trial, where a person of the same name (or rather, an *idem sonans*, for it was the Yorkshire name of Oldroyd,) had been called "that flagitious Oldroyd:" and so, when our friend had been cross-examining a witness, and pressing a question she did not much relish, she retorted with another question, "What signifies putting *sike seely* or (such silly) questions to a body?" No more was wanting to stamp two additions to our friend's name.

At this Court, our Crier, George Wood, addressed us, or rather me, for all speeches began "Mr. Junior," and my end of the table is deemed the upper end. He set forth his long services and great age, and prayed for his retirement. But this was hardly heard to an end. Mr. Attorney, as soon as the shout of indignation had subsided, presented himself with much solemnity to the Court, and declared that he had heard the proposition with an amazement, and even an horror, which he in vain attempted either to master or to describe. He expatiated on the Crier's extreme youth, as shown by his beauty, rivalling the Apollo,—his nimble movements, especially his easy gait; he declared that if he were suffered to retire on such false and fraudulent pretences, no man, no institution, was safe; he therefore moved that the consideration of his application be indefinitely deferred—a form

which he declared he adopted only to save the feelings of a hitherto worthy officer of the Circuit, and to avert the indignation he saw ready to burst forth upon his head. There was immediately entered a resolution to that effect, and further, that "George Wood continually do cry;" to which I found reference made in the records, by the entry, that "the Crier had called the Court like a cherub." These allusions to his outward form originated in his being peculiarly ill-favoured, and walking in a most awkward and infirm style; so that he was sometimes termed "the Wood Dæmon" (from a melodrame then in vogue); and sometimes likened, when he became judge, to the knight at chess, on account of his peculiarly amorphous head, and the uncouthness of his movement.

He was, however, highly esteemed among us, for his profound knowledge of special pleading, his accurate understanding and sound judgment, and his inflexible honesty. He had property in Yorkshire, which involved him in tithe-suits and quarrels: hence he, both at the bar and on the bench, was a bitter enemy to the parson's claims, and, without meaning any wrong, seldom gave his case entirely fair-play. This perhaps affected him towards a great prelate, whose conduct he attacked; and when, at the episcopal palace, complaint was made of his vehement language, he shortly, and with his wonted dryness, said, "I did not think a bishop would have committed a fraud" (which he pronounced "*fraad*").

Among lesser qualifications, he was famous for the extreme conciseness of his style. This followed him to the bench: his charges to the jury, in explaining any matter of law, were models of clearness and of conciseness. It was not, however, very safe to set him right, when he had by mistake omitted or misrepeated any part of the evidence, for he would then say, "True, gentlemen, it is as the learned counsel says, but so much the worse for his argument."

To illustrate the singular conciseness of his manner, may be given a story which, it may well be said, "he used to tell,"—for I believe he never told any other, and that one he was constantly called upon to tell at the Circuit table, and always told it in the same words, and always with the same unbounded applause. It was as follows, for, having so often heard it, we knew it by heart: "A man having stolen a fish, one seeing him carry it away, half under his coat, said, "Friend, when next you steal, take a shorter fish, or wear a longer coat." In this narrative—which certainly represents the scene perfectly, and gives an epigrammatic speech—there are not above one-and-thirty words—particles included.

Having mentioned the humours of the Grand Court, and said that they at first seemed mummery—and somewhat elaborate, if not tiresome mummery—to my young vision, I must now confess how entirely I was mistaken, and how even I became sensible of their great importance, for which reason I have described them. In the speeches of the great law officers, the Attorney and Solicitor-General, each leader in his turn was made the subject of comment, always jocose—but not seldom wrapping up censure upon some exceptionable proceeding,—as of manner to a junior; of tameness towards the Bench; of flattery towards the provincial grandees; of infirmity of temper towards other leaders. The joke passed away, the laugh was innocuous; but the hint was taken, and the lesson remained. Then again, a member of the Circuit had dined in company with an attorney, possibly at his country-house. This was carefully noted, and he was congratulated upon his extensive, or his very select acquaintance, for which he paid so many gallons of claret to the Circuit purse—that being the denomination of the coin in which fines were paid; or he had been seen to condole with an attorney on the loss of his wife; and was therefore himself condoled with,

by the Grand Court, on the heavy affliction which had befallen him in the melancholy decease of worthy Mrs. Quirkly. The distinguished preferment attained by D. Giles, in consequence of his love of letters, has been already mentioned. J. Allan Park had somewhat puffed Richardson to an attorney or two, as a young man of excellent promise; and stated that he had so high an opinion of him, that he had made him his executor. The Attorney-General failed not to note this in his next speech at the Grand Court, which seriously alarmed Richardson, and drew from him a solemn declaration, that he should consider any such recommendations as hostile, and not friendly acts. This, however, did not save him from the title of Executor; till some one, observing the testator's ruddy face of health, and the executor's very pale and emaciated appearance, made the two change places, and gave Richardson the name of the Defunct.

Now in all this there was implied, and not at all concealed, a most salutary watchfulness over the professional conduct of the Circuit. Every one felt that he was observed in all he did, out of court, as well as in. No one, indeed, was suffered to withdraw himself from the jurisdiction, as by not frequenting the Bar table. If any person remained several days absent from the mess, and it appeared that he had dined in his lodgings, being in good health, he was cited to appear; and, if necessary, the messenger of the Circuit, with his assistants, was despatched to bring him bodily into court. The certainty that any undue means taken to obtain practice would be visited by punishment, and if persisted in, by disgrace, even by expulsion from the Circuit, was kept ever before the eyes of all. Even the jests were subservient—ancillary, as we say—to the same end. They kept us ever in mind of the serious visitations ready at any moment to come down upon real offences; they were like the crack of the waggoner's whip, to be followed

by the stroke, if the ear had been assailed in vain. Then, to the mummery of the Circuit all were forced to bow. Whoever appeared in coloured clothes had to pay for it by a fine, following a lecture by the Attorney-General, in which the propriety of mode and dressing of the person was the subject of discourse: the rich wardrobes of various leaders were gorgeously described; how Mr. Serjt. Cockell might, if he chose, dazzle the astonished sight with whole yards of cloth of gold across his portly paunch; how Mr. Law himself could revel in the most flowery satins; how the very Crier could appear so bedizened in lace that he might burn for hundreds of pounds. The sumptuary laws were intended to diminish the expense of the Circuit to poorer men. The rest of the rules were meant to prevent malpractices in the profession. The constantly flowing jest about small matters was calculated to beget a habit of not taking offence on grave occurrences; a very necessary thing in a profession, the constant practice of which exposes every one to hear things said, and tempts most men to say things, somewhat painful to the feelings. Now and then a man would appear among us who was either too high or too sore to bear with the rude pleasantry of the body. Woe betide him if he showed such feelings! He might, without intending it, be very unexpectedly created a Duke, or even a Grand Duke, for his loftiness; or mayhap, an *Arch*deacon, for keeping slyly out of the way; or a Doctor of the *Sore*bonne, if he testified sensitiveness of jokes. I forget which fate overtook a learned Serjt. (Davenport) when he was wroth with Mr. Solicitor-General for filing against him an indictment for manslaughter, because a man had fallen out of the gallery during his address to the jury. It set forth that he feloniously did kill and slay J. S., being in the peace of our Lord the King, with a certain blunt instrument, of no value, called a long speech. But I think my able, learned,

and lamented friend Ralph Carr was raised to the Doctorate (of the Sorebone) when he took occasion to remark, that "he perceived the whole of the Circuit set against him, from Mr. Attorney-General Law *down to* Professor Christian,"—a joke eminently pleasing to Law, who held his cousin Christian in little respect.

Young Burke came, I believe, one circuit or two; but it was during a time I was prevented from attending; and I heard that nothing could be conceived more ill-conducted than this young man, though certainly a person of abilities and well informed, and of a very honourable character. But his vanity was overbearing, spoilt as he had been by the preposterous admiration of his father, and the fondness of his uncles; and his temper was so proud and irritable, that he had one or two personal quarrels nearly ending in duels, the first circuit or year he joined.

Jack Lee and Wedderburn were before my time, as was Wallace. Wedderburn was, to be sure, a very poor lawyer. His coming the circuit for the first time with a silk gown, upon Sir Fletcher Norton being promoted, an irregularity which he aggravated by the highly indelicate act of taking Norton's clerk for his own, occasioned an immediate resolution of the Circuit not to hold briefs with him. As a king's counsel cannot open pleadings, and must have a junior if concerned for the plaintiff, this resolution therefore must have been fatal to Wedderburn, if adhered to; and for the moment he was in imminent danger of being driven from the Circuit, when Wallace, a most able lawyer, who had very recently joined, broke through the rule, and agreed to hold briefs. All were then obliged to give in, else Wallace would have had a monopoly of junior briefs, proportioned to Wedderburn's success, as falling into Norton's practice. In my time this never would have been permitted. Wallace dared not have held those junior briefs, and would have been driven from the Circuit had he attempted it. Even in his own time

his conduct did not tend to raise him in the estimation of the profession; although all men acknowledged his great learning and unfailing acuteness, which have made his points famous in Westminster Hall, and remembered at this distant day. He was not either beloved or respected in private. His manners were unrefined, and betrayed his early habits; for he had been under clerk to an attorney at Penrith in Cumberland, whose daughter he afterwards married. The temper of Wallace at the bar was crusty and sour; but nothing made him more enemies than his stinginess about money. I have heard both Cockell and Topping say, that there was no one less liked on the circuit in their day, or who had left so little regret behind him when he left it.

Law was on the contrary always much esteemed, as well as highly admired for his eminent abilities. His boldness, his manly independence of mind, fearless alike of the Bench and the Bar, his honest openness of demeanour, his hatred of anything mean, his scorn of all cant, added to the powerful eloquence which placed him above most men, and the great knowledge of his profession, which he undeniably possessed long before he came to the Bench, but which he greatly extended afterwards, all secured him an extraordinary weight among his brethren of the circuit. Added to this the pungency of his somewhat coarse wit, his broad, odd, sometimes grotesque jokes, his hearty merriment, which he seemed to enjoy rather by his quaint look and his indescribable manner, than by any hearty laughing—altogether formed a most agreeable and lively person, whether to hear in court or to meet in society. I remember one of his chosen subjects (butts, as they might be called,) was Sylvester Douglas (afterwards Lord Glenbervie.) There was no end of the laugh ever ready to come at Law's call, and at Douglas's expense. Sometimes he would dub him the Solicitor-General, in allusion to his constant asking

for everything that fell. Then he would swear that Douglas kept a Scotchman, at half-a-crown a-week, always on the look out, and to sit up all night, that he might be called if any one died in place. He had a notion that Douglas's age was extremely great, nay, that he believed he was the Wandering Jew; and one morning, when in court, some doubt arose whether a statute was made in the fifth or sixth of Elizabeth, "Send," said Ned Law, "for Douglas, in the coffee-house, he is likely to remember its passing." Nor did this even cease on Douglas leaving the Bar. I well remember, when the kingdom of Etruria was announced by Buonaparte, and no one for some time was named, we were speculating who was to have it, Ned Law told us in the morning at Frank's, "Don't you know? Glenbervie has asked for it, and has great hopes." When many years after Lord Ellenborough was at Paris, and Serjeant Copley and Messrs. Brougham and Denman accompanied him to a trial then going on for high treason, he began, after an hour or two, to think he "had enough on't," and retired, leaving Lord Glenbervie in the place below the Bench. The Chief Judge, leaning over, asked if that was not the "Grand Juge d'Angleterre," as the Court wished to consult him on a matter that had arisen for consideration. The real "Grand Juge" was not much edified, it is said, when he heard afterwards who had been taken for him. I have been told that when asked what most interested and gratified him of all that he had seen at Paris, he at once answered, "Mademoiselle Mars's wonderful voice;" and accordingly he might be seen in the back of his box, when she played, listening attentively, while he pored over the book held close to his eye.

Before he became a Judge, and so a Serjeant, the coif was not the object of extreme respect with him. I have heard Hullock, before the coif descended upon him, relate how coming with Law to York, they

stopped on a common in Lincolnshire for some reason, and a flock of geese began to give note of their approach. Law, who saw distant objects imperfectly, said, as the geese came close, so that their zoological species could be discerned, "I thought it could not be Serjeants so far distant from the Common Pleas." I remember hearing Pepper Arden say, one Monday morning in the King's Bench, on Law mentioning the sermon he had heard the day before, "I always go to church in the country." "As if (said Law) there was no God in town."

He used to be extremely angry when Cockell got a verdict from him against the truth of the case, by his somewhat low arts and his somewhat gross acting before the jury. This impatient feeling would now and then break out; and I remember once, in his reply, his describing the Serjeant (to his extreme displeasure) as playing Punch as well as most men, and better than he did any of his other parts.

Among his other great and good qualities, Law had that of being a most generous and forgiving adversary, and a most steady and warm friend. His affection for Holroyd, and his high sense of that great lawyer's excellence, made him exert himself so strenuously with the Chancellor (Lord Eldon), that notwithstanding his Whig politics, he was raised to the Bench. Though a staunch friend of religion, as became the pupil of Paley, and the son of the venerable Bishop Law, yet for the excessively pious, the righteous over-much, he entertained some contempt, not to say antipathy, and was rather apt to confound with this class persons who did not quite belong to it. However, when some appeared to make an ostentatious display of their religious gifts, or as he thought, and would say, "to bring such gifts into the market," he rather liked to give them a set down. This he once upon a time did with much good-humoured drollery. Park, one of these professors, was moved to exclamations, as

calling Heaven to witness, and so forth, while addressing the Court, "Pray, pray, sir," said my Lord, "don't swear in that way here in court." The effect of this was quite irresistible, and I must do Mr. Park the justice to say he heartily joined in laughing at this unexpected practical joke.

Another thing he did not much relish was, refinement, and subtlety, and over-ingenuity. With Scarlett he never had come in any collision at the bar, though he had often smiled at his somewhat far-fetched topics. But on the bench he often had occasion to show this contempt for subtlety, which his faculties, being too strong to grasp, were too self-confident to estimate duly. In 1810 he described an over-refined construction put upon a statutory provision as something which it was reserved "for the ingenuity of the fiftieth of the king to hit upon." Occasionally his expressions were singularly felicitous, and even picturesque in describing others. When Topping was growling, angry at no one could tell what, impatient of no contradiction offered, yet sitting in a state which you could not call boiling over, but rather like simmering near the fire, Law, who had all the while a great regard for him, said, "See, there is Topping taking fire by revolving on his own axis." His shot, fired between wind and water at any luckless wight who came within the displeasure or the impatience of the Court, told with unerring effect His interruption is well known of Hunt, who was saying that "his dangerous eloquence had been complained of"—"I am sure, sir, they did you great injustice." So when a counsel was vapouring, and exclaiming that such things were enough to drive one from the profession of the law, "Don't threaten the Court," said his Lordship, "with such a fate!"

Once, when a noble lord was addressing the House of Peers in a manner little edifying to that august assembly, but less than no whit edifying the Chief

Justice, he was heard to say, as he retired, "I am accountable to Heaven for the use of my time." When riding in the Park, a vapouring horseman was exposing, not only his own neck, but other people's to risk, by making his steed kick and plunge—"Well," said Lord Ellenborough to Lord Cowper, who was riding with him, and told me, "that person seems to form a fair estimate of the value (which he always pronounced *vally*) of his own life, whatever he may of other people's."

He was, both at the bar and on the bench, a most industrious man. No one ever laboured harder to prepare himself, both before he entered the profession and while he was a leading practitioner. Not only did he read his briefs most accurately, but he considered much what he addressed to the jury, and was even observed to write some parts of his reply. As a judge his labour was unremitting; and he is, perhaps, the last of our Chief Justices who will ever have so much control over the Bar and the business as to constrain the one and despatch the other with the speed at which he moved. Before I quit him, I must advert to the very distinguished family of which he formed a part. His father was successively Master of Peter-House and Bishop of Carlisle, and one of the most accomplished scholars and most profound metaphysicians of the age; author of the famous Commentary on Archbishop King's work, editor of Stephen's 'Thesaurus' and of Locke's works, as well as author of some valuable metaphysical treatises; but still more distinguished for his suavity in controversy, his undeviating charity and candour, his ardent support of tolerant principles, and his steady attachment to civil and religious liberty. Two of his brothers, sons of the Bishop, have held for many years the sees of Elphin and Bath and Wells;* another brother filled a high office in the East Indies; and a fourth was distinguished

* The Bishop of Bath and Wells died in October, 1844.

for his services under the government of Lord Sidmouth and Lord St. Vincent at home.

Ah! me—how little do they know of professional men, who imagine that they do nothing but grudge their hard work and pine for ease! I never, it is true, knew what the severest toils of our profession were; I never sat up all night in the House of Commons, having to rise in time to lead the first cause before Lord Kenyon or Lord Ellenborough at nine the next morning—for those judges had not yet learned the easier hour of ten, which now their successors are satisfied with. But I had a very fair share of business; and instead of taking my ease before the sittings closed in July, I had to move towards Wrexham, and prepare for Welsh obtuseness, during the next four or five weeks of lovely weather. And now that the reformers have broke in upon us, I find myself wholly idle by the middle of July; all the Courts shut; all my cases answered; and I cannot rejoin the great circuit at York any more than I can go and sit in judgment on the Welsh. What would I not give that I had retained my modicum of business in the north, and not been laid on the shelf while quite capable of work! How little sweet tastes this compulsory relaxation! It has often been said, that nothing in our profession is much more difficult than the leaving it. And there is some truth in the remark, though it may be a little exaggerated. When a man rises to first-rate practice, he is greatly over-worked. He would very fain make some thousands less, provided he were secure of keeping what remained. But of this he never can be secure at all. He knows not how giving up a part might affect the whole. He might possibly find, that refusing a very few briefs without some apparent and necessary cause, led to ten times as many being withheld when he wished them to come. So, if having made a competence, he would retire altogether, not being promoted to the Bench,—not taking what are

called "*the honours of the profession*," — he has nothing before him for the rest of his days but listless repose upon the shelf. He would fain continue to work moderately, and he cannot work at all. Unless he is of the happy few who with professional learning retain a taste for other branches of literature, his time hangs on him, as I now find in a great degree mine hangs — heavily and wearily. It is strange that nothing can make men adhere to the good practice of retaining a habit of general reading, even amidst the cares of active life. The present Lord Liverpool * once told me, that he had all his time made it a rule to read every day something, be it ever so little, out of the routine of common political subjects. He will find his account in this should he ever again, and for a longer period than in 1806, be excluded from office. Serjeant Lens, an excellent scholar, and a very considerable mathematician, (of the year, I believe, of Sir J. Copley†) is said to have entirely given over reading since he came into business. A brother judge of mine, a crack scholar, as far as longs and shorts can make one, is believed to have no book in his house, and I will venture to say, never reads anything but a newspaper, nor every day even that. His evenings would be spent in sleep were there no chessmen and no backgammon. Serjeant Cockell of our circuit, in the vacation, used to stand fishing for hours and catch nothing; but the time between his breakfast and his dinner seemed to him a foretaste of eternity—at least in point of duration. I believe Mr. Justice Buller never was known to exercise his mind except upon whist, when he was neither judging nor reading in "the books." Dampier, a good scholar, used to read a good deal, but I suspect it was chiefly old divinity. Gibbs notoriously had never read anything since he left Cambridge, with a very good classical reputation.

* Since deceased. † Lord Lyndhurst.

Once, indeed, during an illness, he read a book of travels, and took so much interest in it, that he wrote an index to it. Unhappily it proved to be a fabrication; it was 'Damberger's Travels in Central Africa.'

Perhaps one exception should be made in all these cases. Shakspere is more or less read by lawyers who read nothing. They require some fund of quotation to draw upon. Even Topping, as unread a man as can well be in modern times, had a little of Shakspere about him. We never used to meet at Newcastle, though twice a-year this meeting occurred, that he did not spout—"Thus far into the bowels of the land," &c., as if it had some very special application to going the routine of the circuit—more resembling the going of a horse in a mill than the adventurous progress of an invading host. So, when he chose to quarrel with Gibbs (then Attorney-General) at Guildhall, being about twice Gibb's height, he deemed it very appropriate to protest in Shakspere's words against that moderate-sized individual "striding over him like a colossus." My Lord interposed, and observed that he, and all who knew Topping, were aware how kind a nature he had: his Lordship might have added, how absurd as well as kind a man he was.

My old crony is but just dead, and I will say of him nothing harsh — but assuredly he was a most strange mixture. His sentimental humours were the most odd part of his composition. He was the most uxorious of human kind, and daily wrote a long letter to Mrs. Topping. The subject of the correspondence we all knew as well as she did herself—it was made up of his grievances. Did a jury give a verdict against him? — he wrote and complained to Mrs. Topping. Did any of the Bar offend him?—she was instantly informed. He never kept this to himself, but always told us—often threatened us—occasionally rewarded us with some such confidential disclosure as

this—made most significantly and as by one well aware of its value:—"I'll assure you I felt so much how kind you were, that I wrote to Mrs. Topping." But generally it went thus:—"The vile fellow behaved very, very ill,—I wrote to Mrs. Topping."

Nor was the Judge spared—I have heard him say, that "Mrs. Topping felt my Lord's behaviour so much she said she never could forget it." But then he, being perhaps mollified by some more favourable charge of his Lordship, would tell us, that "he had written to entreat she would think no more of it, and that he hoped he had prevailed." Once, however, I heard him say at Carlisle, "that the Serjeant had behaved so ill, that Mrs. Topping vowed she never would speak to him again as long as she lived,"—and this he uttered as if he were stating that sentence of death had been pronounced upon the Serjeant, whom he then regarded as a fallen and lost man.

Strange scenes have I witnessed between the Bench and him, especially when, as occasionally happened, Cockell would, from not being quite sober, join in the warfare. I once entered the Court at Durham when both he and the Serjeant were standing with their backs voluntarily turned on the Judge. I saw some screw was loose. The first words that I could distinguish was Baron Wood saying—"I think on the whole you are right, Mr. Topping;" to which he was pleased to answer,—"I am sure I was very far from asking what you thought." Another judge of more penetrable stuff would have been very angry at this bearish growl; but old George, who well knew his man, only said,—"Well, well,—who do you *caal*" (call),—so the cause went on, while there was heard an undergrowl on the other side from the Serjeant, abusing Topping for his insolence and ingratitude, and the Baron for his ignorance and partiality, and calling for his clerk to bring him some of the stomach tincture, which we knew would console

him, as it was generally brandy with some water added, to give it a name rather than materially alter its nature.

I remember a droll scene enough with the Serjeant —(the Sir John of our circuit). Garrow had come down special, somewhere about 1810, to lead a will cause. He heard that Cockell, who was to lead against him and against the will, was to be on the opposite side, that is, for the will,—in another case the day he arrived. So he hastened to the Court and came in time to benefit by the Serjeant's opening. The judge, beside whom he took his seat, no doubt believed he came to do him honour, and the Bar that he came to see his professional friends. Nothing of the kind—he came to carry select portions of the opening address away for his own use. (*Filch* was his nickname while practising at the Old Bailey). He heard accordingly with unaffected interest the expressions—"Gentlemen, I tell you, and my Lord will tell you, — I humbly think that if the reason remains at all, however enfeebled by disease—if the light burns up in the socket before it goes out,—that is enough to make the disposition of his affairs good, and to establish his will."

Well, next day came Garrow's turn to be for the testator's capacity—the Serjeant to impeach it. Up rose Mr. Garrow and the Serjeant began to take his note. We soon heard the solemn sound of the great artist's voice, very sweet, clear, and even deep. We marked his peculiar gravity and saw that he was in his highest cant. His blue-saucer eyes, as a learned counsel of the present day called them, spread wide set in his crimson, or rather brick-coloured cheeks; his mouth seemed labouring in vain to express unutterable things. However, those things he desired to utter managed to find their way to our ears and to the Serjeant's. "Genlemen," said he, leaving out the *t* as was his habit, "when I arrived late yesterday, hearing that my

Lord was sitting, I felt it my duty, not regarding the fatigues of a journey or a worn-out frame, to hasten hither. 'It is good for me to be here,' said I, 'for as often as an English judge and twelve of my countrymen, as jurymen, are administering justice, I know that there I ought to be. I must come away a better if not a wiser man.'" Whereupon, we soon heard what he termed the lesson of wisdom he had learnt by the merest accident in the world, and it was from the Serjeant's speech. "But, Genlemen, there was no accident, a good Providence guided my steps." So out came that speech on feeble reason glimmering in the socket and sufficient power to make a will. This supreme piece of acting and canting I shall not soon forget. We all were diverted with it, save one individual; the coif seemed labouring with contempt and indignation, and from under the deep black eyebrows of the blond-complexioned and blue-eyed Serjeant there came curses loud as well as deep, intermingled with the phrases, "canting," "wheedling," "acting," "cogging," "scoundrelly," and sundry threats meant to reach and *estop* Garrow, as to what a revenge he would find taken of his trick. Garrow cared not a pin for this, being well aware that the case would be so proved as to make the court break in upon the Serjeant with "Brother Cockell," and so it fared; Mr. Justice Chambre addressed him so after two witnesses had been called by Garrow,—"Brother Cockell." The Serjeant suspecting from the tone and the state of things what was coming, tried to stop it by taking no kind of notice; but two or three times it came—"Brother Cockell."—"My Lord, I beg your Lordship's pardon."—"Brother Cockell, do you think you can shake this case, I mean these two witnesses?" No shake whatever had they received from a very sharp and really powerful cross-examination, so that all the Serjeant had to say was, "Really, my Lord, it is not for me to say, but—" "Oh, if you really think you can;—only you know we

have a heavy cause list." So there was an end of the case, and Garrow, with much sweetness and respect in his manner to the judge, the jury, and the bar table, retired to recover his fatiguing journey, with his exhausted frame, and a richer if not a wiser or better man from his laborious journey to York.

In about half an hour, old Humphreys, his clerk, returned with Mr. Garrow's compliments, and begging to have a small wooden-cased flask which he had left. We had all seen the Serjeant handling that bottle, and, while Garrow was going on before the wind, quietly transfer it under his own bag, into which he quickly put it. So when the clerk came, the Serjeant said, "What wouldst have man! Your case is disposed of—Mr. Garrow is gone off to town." Away went Humphreys—but Garrow would bear no rival in his own art, and he required his flask on account of his "exhausted frame." So back came Humphreys, and he would not go till the Serjeant, most reluctantly, had to make his bag disgorge the *case*—what he valued more than any of the others among which it had forced its way. His comfort was, that the Madeira he had just tasted was "but sad poor stuff—about a match for Garrow's trashy speech."

This same Garrow was one of the most extraordinary persons you can well imagine. With many great—some very first-rate qualities—he had some as little and as foolish as any man I ever saw, one or other. Now to give a sample of his absurd vanity, which, however, was never very offensive, however ridiculous, for it always concerned mere trifles, and never to depress others, nor indeed even to exalt himself. I remember a cause of a patent before Lord Ellenborough, and Garrow of counsel, and not leading, but under Gibbs, then Attorney-General. Garrow must needs have a pair of Ogden's duelling pistols put into his bag, and must be pulling them out during the trial, and leering at them and flirting with them—as if the

slightest possible importance could be attached to them—except that it showed he had them: no one knew why or how he came possessed of the article. The Counsel who had been with him at consultation told us he had also produced and paraded them there —none of them could tell why or wherefore.

Garrow's examination in chief was the clearest and most judicious and most complete thing I ever saw; it made the witness tell the whole of his case; and so he could comfort and set him up when damaged by cross-fire. Topping came next to him in this great art, but his cross-examination was below contempt. Scarlett used to say, and not unjustly, that it consisted in putting every question in an angry and in a leading way and hostile tone, over again, which had been put amicably and regularly by the examination in chief. Another remark it was subject to—Topping extended his cross-examination indefinitely at the beginning of an Assize, and before all the briefs were delivered. He became more quiet and concise after that important period of time had elapsed.

My old friend and crony, N. G. Clarke, and my colleague, had the same peculiarities in this respect also—but that subject is large.

I had not entered the profession for some years after Mr. Pitt quitted it, but I am quite old enough to recollect his first appearance in the place to which he so soon transferred his splendid abilities, being then twenty-two years old. The effect of his bursting on the Commons all at once, as a finished orator and practised debater, I shall not soon forget. I have heard my old friend St. Andrew St. John (afterwards Lord St. John) relate anecdotes of his chum, that were curious and characteristic. They lived in a double set of chambers within the same outer door, in the Old Buildings (now finically termed Old Square) of Lincoln's Inn, to which Society both of them belonged. Pitt had often practised speaking as well as composition under the

superintendence of his father, but he was desirous of trying how his voice and his nerves would answer the call of a public assembly; so he and his crony went together in masks, as was the mode, to some debating place, I rather think Mrs. Cornelly's, and the experiment was as satisfactory in the result as might have been expected from the silver voice and the iron nerve on which it was tried. St. John used to say that Pitt, from the first, entered eagerly into legal discussions. He dined at a Law Club, as was the custom universally then and still is to a great degree, though beginning to be broken in upon by the fashionable clubs now forming, to the great and serious injury of the profession, both giving bad, idle, and rambling habits, and depriving the young lawyer and the student of the inestimable benefit of having cases and points that actually arise in the Courts familiarly discussed by lawyers of experience. I have often heard that in those days Pitt was a regular attendant on the Court of King's Bench, and as regular a diner at his club, and took the most unceasing and lively interest in all the professional conversation of the table. For until the French Revolution made all men politicians, and its topics superseded every other subject of conversation in society, as well as of discussion in public, no politics nor indeed anything but law was ever heard at the dining clubs. The hour was four, and at six the bill being called, all departed to chambers. In the course of a little time, being introduced into parliament for Appleby, I think it was by Sir James Lowther (afterwards Lord Lonsdale), he got into a club in St. James's Street or Pall Mall, where he played a little, but his habit was, even when he dined at the west end of the town, to come back to Lincoln's Inn early enough to make sure of getting in before the wicket was shut, which happened at twelve. His aim was not chambers, but Wills's Coffee-house, now in Serle Street, but then in the New Buildings (or Square), and which was, by order of the

society, shut at twelve. He then sat himself down, with a newspaper, a dry biscuit, and a bottle of very bad port wine, the greater part of which he finished cold, whatever he might have eaten or drank at dinner. In the Western Circuit which he went, I believe, but once, I have heard from my old acquaintance Hippesley, who knew him upon it, that he held one or two briefs, probably from his father's old connexion with Bath, and his property in Somersetshire, under Pynsent's will. On one of these trials, the court was a little astonished, perhaps partially amused, partially alarmed, at hearing his remarkable voice; for our profession, especially on its circuits, is exceeding nervous through apprehension and jealousy for existing, and, as it were, vested interests. Some objection being taken, Mr. Pitt said, "I desire to know whether or not the point is taken, as I am prepared to argue it." He was, I have heard Erskine say, once in a cause with him at Westminster, and attended a consultation. Erskine was the kindest of leaders, and the most gentle and encouraging to his juniors, but possibly some of his vagaries had offended the precise and serious young gentleman, who perhaps felt somewhat of the alarm that I have known the clients of the great advocate feel on attending a consultation upon their case. Certain it is, that Pitt never justly appreciated that illustrious man, and always took a pleasure in sneering at him in debate. It may further be observed, that when Pitt was thrown in his way, he had only begun his brilliant career, for Baily's case, which introduced him to the knowledge of Westminster Hall, was in 1778, and Pitt left the profession in 1782.

The friends of Mr. Fox have often wished that he had prosecuted the design he had when overwhelmed with pecuniary difficulties. He was then strongly advised to be called to the Bar, and had even given instructions, to choose chambers for him, to his excellent friend Mr. Adam (now a judge in Scotland,

where he has had the happiness of introducing jury trial). I never was more clear of anything that had not been tried than I have always been, both that Fox must have failed and Pitt succeeded completely at the Bar.

Fox had less command of himself, less power of applying his mind as he pleased, of stating matters in cold blood, than any man I ever heard address a public assembly. He must be heated to move easily on. He must indeed be excited to move at all. At the bar, nine parts in ten of an advocate's speech must be made coolly and with extreme deliberation. All his arguments in Banc are of this description—all his opening addresses to the jury for the plaintiff, when he has calmly and most cautiously to state the case he hopes, but is not at all sure, his witnesses will prove—much of his opening for the defendant, when he has not only to attack the adverse case, but cunningly to fit in his own—almost everything in short but his reply, a thing that very seldom comes to his turn. No one, who ever heard Mr. Fox open or rather attempt to open a debate in the House of Commons, can imagine anything less adapted either to Nisi Prius or Banc. He hemmed and hesitated, and stopped and strung together nothings, and in short was the despair of his hearer. Whoever recollects his speech on the motion about the army, which led to the division against Mr. Addington in Spring 1804, will recall to mind the most lame of speeches ever novice tried to make. As great and rapid and overpowering as he was in reply, so paltry and slow, and feeble, and even insignificant was he in bringing forward a question. The speech the year after on the Catholic question was a great exception to this description, and I have heard his friends say that he was exceedingly nervous and uneasy about it for some days before. Besides, he had none of the circumspection and prudence so essential to a Nisi

Prius leader. How could he have restrained himself from perilous topics? How confined his flood within the bounds raised by the facts? How slid over the sunken rocks in his course? But all that he wanted, his great rival possessed, and possessed in ample measure. He could begin just as easily as he could sustain or close a debate. His fluency knew no break, his majestic course no pause; nothing could exceed his self-possession, and his prudence was quite as remarkable as his courage. As for the prolixity of both speakers, neither could have long retained it in actual business. The multiplied repetitions of Fox and the endless length of Pitt must have been corrected as soon as each had more briefs in his bag than one, and knew that a second cause awaited him as soon as he had left the first in the hands of the court or the jury. Possibly each would have found a difficulty in this slow ascent, the delay of the *consultor ubi ostia pulsat.* The careless habits of the one and the pride of the other might have ill borne the unequal distribution of success and the confirmed possession of the lead by seniority often apart from merit. But, setting this consideration aside, my opinion is very clearly settled, that Pitt must have become easily and naturally and in no long time one of the greatest advocates ever produced in any age, great too in all the branches of the art, and that nothing short of a miracle could have converted the nature of Fox so as to clothe it with the virtues of the gown.

The love I bear our profession makes me enter into this digression upon two great parliamentary chiefs; I have never ceased to think that a man of capacity chooses a very unwise thing in preferring Parliament to the Bar. Nothing can be more certain than that a great station in Westminster Hall gives incalculable weight to every one who enters the House of Commons. No one doubts that the eldest son of a great peer, or a man known to be himself

possessed of a large fortune, has a degree of influence there very different from that acquired by an adventurer with equal talents and information. Well, a lawyer of established reputation wields that same kind of influence, and in a much higher degree, than even the patrician or the proprietor. Nothing again can be of less weight than the mere "word-monger;" the professional talker, the man who comes forward with a power of easy and even excellent speech, but neither backed by fortune nor recommended by rank, nor established in an important profession. Whatever he says is carped at, is criticized, is pretty severely judged. Whatever he does is scrutinized with abundance of jealousy and suspicion. But weight and influence he has none, and he may be borne, heard, approved, and even admired, without being much respected. I speak not of first-rate men like the Chathams and the Burkes, but a first-rate speaker, a mighty debater like Sheridan, has been known and felt to come within the scope of this remark.

Of all inferiority, however, the most marked is the disastrous lot of the barrister, who failing in the law quits his gown and carries his tongue to market in parliament. Respectful as the House of Commons ever is to high station, that is, to success at the bar, it is contemptuous in the extreme to the body of lawyers there who have failed under the wig. I remember some years ago, before I quitted parliament, an ingenuous ruddy-looking young gentleman (he seemed only five and twenty, but proved much older), addressing the House in a maiden speech clothed in a country gentleman's attire, of top boots and leather breeches. He was listened to with the attention, and even kindness, which might be expected to attend such a performance, until he unhappily let fall the expression, "as I have had occasion to know on our circuit;" when suddenly there burst forth a yell of

indignation at the fraud under which he had obtained audience—the kind of false colours he had been sailing under, and sailing, too, before the wind. Such a chorus, such a concert, *concordia discors*, such a storm of coughing, of laughing, of scraping, of calls of question, of roars of scorn and disgust, never greeted mine ears. It was, indeed, over in a minute, but the speech, too, was over, and nothing could have appeased it but the termination of that speech, which it had brought about. Somewhat of this feeling is occasioned as often as any one, having failed to obtain briefs, seeks to obtain political honours and advancement. The phrase of "broken-down lawyer," "briefless barrister," and more, are freely applied to him, and he must be a good deal superior to almost any I remember to have seen transplanted, before he can bear the change of soil and of climate.

As for the question, if it can even be made a question, whether a man intending to remain by the law as a profession, and to make it his principal object, does well to accept a seat in parliament, surely, I can have no hesitation in giving my clear negative for answer. It may make him a little earlier known than if he waited on the back row of the King's Bench till chance enabled him to be heard, and his merit showed what was in him. But it makes him unfavourably known for obtaining practice. Clients will always think that he makes politics, not law, his object in life. It is difficult to persuade attornies or solicitors, that a rich man or a nobleman's son is really a candidate for business, though all men see that he has no other pursuit which can interfere with his profession; how much more hard must it be to persuade them that a young lawyer, not yet in business, cares less for the House of Commons than the Court, or that he can well attend to the latter when he is giving his attention to the former? I warn all against falling into such a fatal mistake, and suffering themselves to

be seduced from the line of reason and common sense by a few brilliant, but most rare exceptions to the rule which general experience prescribes.

There was a great charm about the old Welsh circuits. When the English Judges have been there a year or two, I dare say that all will go on in the usual routine of an English circuit. But in my time it was very different. The whole appearance of the Court was different from an English court; the habits of the people, and even their dress, were distinct; and then, as in most cases the witnesses could not talk English, and had to be examined by an interpreter, you might well fancy yourself in a foreign country. Indeed, in addresses to the jury, whether by the Bar or from the Bench, it was but too obvious that the majority frequently understood but little of what was said to them. In the North the dialect of the witnesses was occasionally puzzling enough. We used to hear people talk of the *house* or the *house-part*, meaning the kitchen; of a *midden-stead*, for a dunghill; of a *stee*, for a ladder; of *lating*, for seeking; and *laking*, for playing; nay, of *darrock*, for day's work; and a *trewksin* for three weeks since. But in Wales there was much less in common between the natives of the country and the Professors of the Law brought into the country to administer justice. This sometimes led to odd mistakes; take, as an example, the jury which, after hearing a trial for sheep-stealing, in which the facts were, that the sheep had been killed on the hill, and there skinned, the robber taking away the carcase, and leaving the skin for fear of detection—all this was proved in evidence, but the jury supposed it to relate, not to a sheep but to a human being, and brought in, after some hesitation, what they considered a safe verdict of *manslaughter!*

There was indeed a genuine simplicity in some parts of the country which, I fear, will soon depart from the land altogether. Let me give an instance.

Two of my brother Judges, for both used generally to sit, actually tried this action of assault. In a certain parish in Cardiganshire a dead body of a new-born child had been found. The overseers considered this a stain on their territory: they consulted together; they summoned the gossips of the neighbourhood; but they could find no clue to the mother. They then hit, I presume with the concurrence of the magistrates, on this notable expedient: they issued written notices to all women between the ages of fourteen and fifty living within ten miles of the place where the body was found to appear at the market-house at a given day and hour, and be examined by a surgeon as to their state of health, it being supposed that the mother would thus certainly be discovered. Strange to say, every woman, amounting in number to more than a hundred, actually appeared, and were examined. Only one, indeed, refused, whereupon the overseers and surgeon proceeded to her house, and attempted a forcible examination; and hence the action for assault, and the divulging to all the rest of the Principality these strange circumstances. The poor woman who brought the action recovered damages of course, which were, however, only small, and the mother of the child remained undiscovered.

Another circumstance connected with the administration of justice in Wales was the influence of particular counsel—not over judges, for that is common enough in England—but over *juries*. Few persons ever obtained this influence who were not Welshmen, and few Welshmen ever obtained the influence of John Jones of Ystrad,* for many years member for Carmarthen. He was a man of great natural ability, although not of very cultivated talents. He had considerable property, but chose to practise as a barrister on the circuit, and thus kept up and extended his

* Subsequently M.P. for Carmarthenshire. He died in the year 1842.

fame. He knew most of the jurymen by sight and name, and they all knew him; he could talk Welsh, and he did not hesitate occasionally to throw in a Welsh sentence or two in the course of his address. His power of obtaining verdicts was almost unexampled; and on one occasion, it is a fact beyond dispute, that a jury, instead of finding for the party, plaintiff or defendant, as the case might be, for whom Mr. Jones was counsel, brought in a verdict "for John Jones."

Speaking of a great power of obtaining verdicts naturally reminds me of another Welsh Circuit friend, and indeed Judge, my worthy and lamented colleague, Clarke. No man, I believe, was a greater verdict-getter than Nathaniel Gooden. He positively would not be refused. I have heard of him on his circuit, the Midland, as almost unrivalled in this respect. But certainly it was not by his depth of law; for it was told of him, that, at a consultation once, some one said, "Oh! sir, they," the defendants, "say, it is a Remitter," — "Oh! the scoundrels," answered he, "they'll say anything." He was one of the most consistent High Churchmen, and High Tories, I have ever known. When men quitted, as rarely happened in those days, the Tory party, Clarke would really look aghast, as if they had committed some horrible and atrocious offence, which he could not screw up his mind to believe. But when the change happened to be in the opposite direction, and any one came over to the Tory side, nothing could be more placable; nay, he treated them with a kindly and encouraging aspect as men who saw the line of their duty and followed it.

He was great in the Exchequer, his own walk, where he really was, as it were, the cock. I have seen him sitting by his junior Walton, who had put some such utterly illegal question, as "What did you hear the man say about what he had heard in the neighbourhood of

the Gang of Smugglers?" When an objection was instantly taken on the other side, and Walton gave up the question. "Put the question,—repeat your question, Mr. Walton," growled Clarke; "we always put that question here." However, my Lord Chief Baron allowed it not, and then we saw Clarke's eyes uplifted, and his hands thrown up, as if the spirit of improvement, and reform, and innovation, and any other "thing most abhorred of Tories," had at length reached the place he had hoped was sure to be the longest free from such inroads,—the Bench of the Exchequer.

Clarke had a certain kind of common sense which, set off by his great warmth of manner and fine portly figure, gave great weight to his words, and well supplied the place of a more finished eloquence. Any approach to a pleasantry he was very far indeed from ever making; it would have detracted from the perfect seriousness with which he ever entered into his client's case: very different from Vaughan, who, not merely when called upon to laugh the adverse case of the plaintiff out of Court, but also when of counsel with the plaintiff, would often perform that office. Yet Clarke, all unintentionally to create a laugh, and not very fond of any such testimony to his powers, would now and then make his audience merry without meaning it. As when the opposite Counsel had been pathetic on his orphan client's hard lot, "Gentlemen," said Clarke, "why I am myself an orphan,"—he was seventy odd years old,—"People's fathers and mothers cannot live for ever." No one can doubt of the pathos raised before being suddenly dissipated by this unexpected sally,—not of humour, but of mere anger at any pathos having been imported into the cause. So when a witness whom he was pressing with his angry, and oftentimes scolding, cross-examination, suddenly dropped down in a fit, and some said it was apoplectic,—but privately Clarke heard it was epileptic, "My Lord," said he, "it's only epilepsy,—she

must answer the question," as if the Courts had in decided cases, taken a distinction between apoplexy and epilepsy.

Old men, even eminent judges, are apt to repeat themselves, and I am not sure whether I have as yet made any mention of some young circuitiers who joined us before I was transplanted to the Principality; among them, I recollect, with some interest, John Williams, or, as the great affection of his contemporaries used to call him, Johnny Williams, occasionally adding an adjective connected with size, in case the substantive might not enure to a sufficiently certain intent of diminution. He had attained no great share of business at the period of my translation; but he, from the first, had some share, and from the first showed his perfect fitness to conduct any case entrusted to him, for he was singularly judicious and self-denying, ever regarding the client, never considering himself, always shaping his course towards the verdict, always indifferent to display. Yet he was, as Scarlett used to say, "a very, very considerable artist" in respect of speech; and Scarlett never threw his praise away. Williams has since attained eminence with universal assent of the Bar, and I find he has continued the classical studies which so much distinguished him when he came among us—for he lately, on visiting Paris at the peace, produced a most beautiful Greek epigram on the Apollo Belvedere, which is now in that capital.*

Men used to speculate on the chances of success, which this very learned and excellent person might have, were he placed in Parliament. For my own part, though, after my experience, I should as soon think of confidently foretelling what man taken from the Bar would make a good judge, as what man of

* It was so in 1814, but restored to the Vatican after Waterloo, of which his Honour seems to be ignorant. For this epigram see p. 320.

forty, placed in the House of Commons, would make a good speaker.

There is another prediction, however, which I fear not at all to venture. I will take upon me to say, what man, distinguished in Parliament, would have made a good leader of causes, had he devoted himself to his profession, and not through impatience or restlessness, or vanity, exchanged it for what is no profession at all. I so name politics, because, if a man is honest and conscientious, above making himself a mere adventurer, he cannot earn his subsistence as a politician. How can he ever think of such a thing? Is it not plain that unless he takes part with the ministers of the day, he serves without pay; and if he is resolved to stick by his party, through good fortune and through evil, he must needs always be for whatever party measures secure the possession of place, else he loses his bread. These views may be deemed very vulgar, coarse, homely. I care not. We are only considering politics as a profession, that is, as the means of earning a decent subsistence without doing what is dishonest or dishonourable—and politics, in this view, must be allowed to resemble the trade of a barrister who should work on the terms of "no cure no pay," which we deem infamous—possibly it may even resemble a still worse course of life; that of the barrister who should sell himself to his adversary, and sacrifice his client for the lucre of gain.

However, I am now speaking of another matter, the chance of success which some men would have had at the Bar, had they continued to follow that more honest calling. And here the reflections I have been led to make naturally enough bring into my recollection one who has been very eminent in Parliament, and has had great success there, though not in my opinion a speaker of the first order, but rather at the top of the second rank—I mean Mr. Canning, for

he has always been peculiarly fond of place, and has adopted, as a kind of principle, that no man can well serve his country unless he be in office. So very prone are we to blind ourselves with false reasoning, and to colour over what we desire to do with the semblance of duty. This has been the bane of his public life. It has subjected his course to his thirst of preferment, and his reluctance to tear himself from office. No man can well serve his country who cannot cheerfully face the disaster of exclusion from power. Such is my opinion, and I fearlessly place it in direct and diametrical opposition to Mr. Canning's notion, openly avowed by him in terms, always or almost always, acted upon in practice, that no man out of place can well serve the state. His conduct on the Catholic Question in 1807 strikingly illustrates what I have said.

Well! my political opinions—prejudices, if you so please to term them—are leading me from the Bar to the Senate. But my moral made the digression—the *extra viam*—necessary. From the somewhat discreditable course which an able and highly gifted man has led as a politician, let us turn to what he might have been if he had never quitted the Bar—to which he was barely called, having but just put on his gown and wig,—by the temptation of political life, and the short road it is supposed to open towards an easy and brilliant success. I can have no doubt that with his powers of application, which are very great, even without any continuous study, he could have acquired quite as much law as in those times of scanty learning (materially different from the present), sufficed to furnish out, first, an attendant on sessions; next, a half-leader on circuit; and finally, a leader there and in London. To the fame of a lawyer he never would have pretended, neither would his love of display and impatient temper have suffered him to acquire it if his taste had ever pointed his ambition in that direction.

In applying the same subjunctive mood and potential tense to others, I should not leave out Lord Grenville, whose quitting the Bar for politics I reckon the most manifest error of all which we have seen committed in this kind; for certainly while his parliamentary talents are far from being first-rate, though highly respectable, deriving great aid from the weight due to his high character, his vast industry, his gravity and sound discretion, and his success has been such as to place him high among statesmen, yet at the Bar he was as certain of rising to the first place both among lawyers, among advocates, and among magistrates, as any man who ever put on the gown. For his powers of labour, almost for labour-sake and without any immediate view to its remuneration either in profit or in fame, are singularly great. His head is perfectly clear and eminently of a legal structure. His sense is sound, solid, manly. None of Cicero's heroes in the 'Brutus' possess more conspicuous qualities as jurisconsults. He was sure to become a profound and accomplished lawyer. No man, too, would have excelled him in the firmness of his opinions, no advocate would have surpassed him in steady courage; few would have equalled him in exclusive devotion to his client and his case; few come near him in his weight with the jury. Like my worthy colleague on the Welsh Bench, while at the Bar, he would have required a verdict; he would have been like Clarke, not to be refused; the jury must even give it, for have it he would. The highest honours, too, would have been his. From brilliant success at the Bar, a success which no aspiring junior treading on his heels would ever have endangered for a day, he would have had his choice of almost any seat on the bench of either court. It is probable, however, that he would from taste have preferred to practise in Chancery; he might very likely have deemed the trick, the necessary trick, of Nisi Prius beneath him. Think then what an accom-

plished chancellor he would have presented to our admiration, our confidence, and our feelings of awe rather than of common respect. Whatever in Thurlow we have ever looked up to of gravity and even severity, has been in great part founded on fictitious grounds, and surrounded with factitious circumstances. But Grenville would have been all that Thurlow was, only real, sterling, genuine, resting on intrinsic qualities, on a solid ground. No lover of our profession and its glory can help regretting that such an ornament as perhaps it never yet has had should have been denied to it by the conflicting claims of politics. However, it suits better my purpose, which is not that of romance, but of practical improvement to my younger brethren, that I should add how much happier a man Lord Grenville would have been had he not quitted us, how much more agreeably he would have passed his honoured life with the constant and the independent power of exercising his great faculties in the way congenial to his tastes, having, as it were, his lot under his own control, than harassed by court intrigue and factious squabble, and excluded from power the greater part of his days. Let me add that he would have been a greater benefactor of his country than he has been, valuable as his services are allowed, and left behind him a higher renown than he is now likely to leave even should he again preside over the affairs of the state.

Before quitting the subjunctive for the indicative mood, I must say one word of Mr. Tierney. I have ever thought his success at the Bar, as an advocate rather than a lawyer, a matter of absolute certainty, had he, as all considerations of prudence required, continued amongst us. His tact is perfect, his discretion consummate, as far as avoiding all hazard goes; his courage in the field—before the court—would have been as brilliant as it is in debate, though in consultation it certainly would have been deficient, as

his party always find it in their councils; but then his admirable nature—good-humoured, modest, easily led, prone to take advice from even many inferior minds, would have always secured his cause against any false step, through want of nerve beforehand, and no such want would ever have been found in court. Then his shrewdness would have been proverbial in Westminster Hall, his manner of examining a witness would have been perfect, supposing him to acquire the quickness which at first he was sure to have wanted. But, above all, his confining himself to the business in hand would have been a bright example to all his juniors, and his manner of speaking, I verily believe, would have proved as powerful with juries upon all ordinary occasions (forming ninety-nine in every hundred of the causes tried in our courts), as that of any one man who ever led a cause before twelve good and lawful men. I often recreate myself by picturing a cause led by Erskine on one side and Tierney on the other; nor with all my profound reverence for the greatest of forensic heroes can I avoid perceiving how often the plain downright argumentative speaker, making his homely appeal to the common sense of his hearers, and wholly disregarding all fancy, all figure, all pathos, would have got round and got before the great orator; and how often, too, his broad, even somewhat coarse humour, might have discomfited the Tully of our Hall by bringing him down from the top of his bent to the level of common men;—in plain terms, I seem to see the laugh not seldom ready to come at Tierney's bidding and at Erskine's expense.

But here again, young man, tempted by politics, give ear to the eternal burden of my song, and think what Mr. Tierney would now give to be filling in reality the great place my fancy has made for him.

Ah, me! How the men of this world as well as its fashions pass away! Here have I also outlived Sir Arthur Pigott! I was well acquainted with that good

sample of our older lawyers, and I never knew a better man. He was uprightness and honour itself. His nature was kindly, and his temper equable and mild; but his opinions, like his principles, were inflexible; and trying to convince him on any point which he had well and deliberately considered would have been a somewhat hopeless task; nor did he ever form, at least give out, an opinion that he had not well and deliberately considered. "Let us see," he would say—"Let us see—have I been all my life dreaming when I thought that, in construing the gift of a future interest, you never shall take it to be an executory devise if it *can* be taken as a contingent remainder? Have I been always dreaming in so regarding it? Then is there not a precedent freehold estate plainly here given to Mister John Thomson, and will not that suffice to support the estate in remainder limited to him thereupon?" "I suppose," he would add—"I fancy I know little about it—or have peradventure forgotten what I might once have known—but I cannot for the life of me understand what my Lord Chief Justice Gibbs means, and I much question if my Lord Chancellor will be satisfied with his Lordship's certificate."

He was of profound and accurate knowledge of the law in all its branches, and knew common law as well as he did equity, having indeed long gone the circuit, on which Lord Erskine showed a great degree of bitterness towards him—the solitary instance of his amiable nature being so perverted by professional rivalry. For Pigott took his rank as king's counsel under Lord Erskine, though his senior at the bar, and both were made at once. They went together the Home Circuit, where Pigott, having before led him, was probably dreaded by him, and all the more for that he was so excellent a lawyer. He was, however, not fitted for Nisi Prius—having a want of readiness, that rendered his deep knowledge and familiar acquaintance with all legal points, little available before a judge and jury.

In Constitutional Law he excelled all the men I have known, and for this, all the more that his opinions were purely Whig, he was looked up to with the most undeviating reverence by Mr. Fox and all his party. They might regard "The Serjeant," as they called Heywood—with respect as a good sound lawyer, and well read in constitutional lore—but to Pigott they deferred with much more unhesitaing confidence and submission. "The Serjeant" was so familiar with them that he always, speaking of Mr. Fox, said, "Charles thinks this," or "Charles will do that." Modest retiring old Pig (as we called him, and sometimes "the learned Pig,") would never so speak, any more than if it were profanation—but said, "Mister Fox is of opinion," or "Mister Fox, it is to be hoped, will see fit to do so," and he would even say of the Serjeant's habit, "you see the coif has its privileges, and the Judges call him brother Heywood." Fox once said, drolly enough, when some one was questioning if Pigott was a very clever man, "You might as well doubt if he is a very ugly man." But I have heard this differently given. It is sometimes said that his beautiful daughter being mentioned with wonder as *his* daughter, and one saying, "Well I don't think, for a man, he is so very ugly," Fox said, "You might as well say he is not a very clever man." I am quite clear that my version is the correct one.

I have named Gibbs. For him Pigott had but a very moderate respect. "Why, Sir, he surely is a good lawyer," we would say. "Why he is a very good special pleader (Pigott would answer), and will put you a point well enough and roundly enough, but before I will call him a good lawyer, I must take time to consider, as my Lord Chancellor has it. His mind is excessively narrow, and I don't much think it can be what is really to be deemed and taken to be that of a good lawyer." I once heard him say,—"Why really, if Sir Vicary remains long in the Common Pleas, he

will change the law of real property, and I know—observe I *know*—my Lord Chancellor, who is a consummate lawyer, is not of another opinion." On somebody saying,—"Why, I don't suppose Lord Eldon to have been so rash in giving an opinion after promoting him three times,"—"Never you mind—never you mind—a bird has whispered in my ear, and I know—observe me—I *know* what I am mentioning." This same bird had frequent access to my worthy old friend's ear, and was not rarely cited in his cautious and sly conversation.

He did not much like though he much admired Lord Eldon. He fell into the common error of thinking him over-parsimonious, and one night, when Mr. Lushington, on the Treasury Bench, was arguing in behalf of an income tax,—that it made a man who would live as a miser, pay like a gentleman, Pigott turned round to Romilly and said—"He is plainly referring to the case of my Lord Chancellor." The Tory principles of Lord Eldon were, however, his chief object of aversion, and he was wont to say,—"Oh, if I could but live to see the Great Seal out of his gripe, I should say, *nunc dimittis.*' Not that he dreamt of its falling into his own less tenacious grasp, for on my saying that the Chief Baron was supposed to be ill when he was Attorney-General in 1806, he said,—"In that matter I have no kind of interest, and Mr. Solicitor (then Romilly) would not take it either." He then said that he never would accept any judicial place whatever, and that if things, contrary to all probability, lasted long enough, the place of Accountant-General was what he should prefer. His objections to act as a criminal judge, especially in the then state of the law relating to capital punishments, were altogether insuperable.

He was very far from being a fanatic in religion, or indeed from ever showing much outward indication of a sacred character; but he was a regular Church-of-

England man, and exceedingly disliked all enthusiasts. Possibly his West Indian connexions (for he had practised in the Colonies, where his family had been planters, and his brother Elphinstone was in a legal office,) increased his dislike of the abolition leaders, against whom he always acted as counsel on the Slave Trade question. I once said I was going to take my seat after the General Election. "I will take you to-morrow," said he, "when the crowd is over, and then you see, we shall be able to do it more condignly." So together we went in his carriage, with his ancient coachman not very unlike himself. I recollect on the way, speaking of some points of proposed reform in our Liturgy, suggested by the ceremonial we were about "condignly" to go through. I mentioned one plain abuse after another, saying always—"Don't you think so?" "No," he answered, "I am of the Church of England *as by law established*," dwelling much on these words; and when I instanced at last the Athanasian Creed, he was still inflexible: "I am, you see, of the Church of England *as by law established*." I could get nothing more from him.

He was very fond of Harry Martin, once a well-known Equity Draftsman, and now a King's Counsel,* the lineal descendant of the Regicide, and I believe possessed of Colonel Hacker's house and estate. Martin's inexhaustible fund of private anecdote pleased his ancient friend, and also he wholly approved his sound Whig principles—to say nothing of the victory he had gained, in Spring 1807, over Perceval (whom Pigott could not abide, calling him "little *Peerceval*"), preventing him, by his successful motion, from getting the Duchy of Lancaster for life. In consideration of these qualities possessed, and of that service rendered, Pigott passed over the blot in his descent; for with genuine Whig feeling he loved monarchy and abhorred

* He long ago retired from the Bar, having been afterwards a Master in Chancery, and has since died.

regicide, especially when conducted by an irregular trial. Other men called him, as they still do, "Harry Martin," but Pigott always called him "Henry Martin," and often Henry alone: and he would say—"You see, Henry Martin and others tell me—but I mention Henry, because he is so likely to know and probably has given himself trouble to satisfy himself, you perceive." Leech was his protegé and pupil—or if not his own pupil, was at his request taken by some one gratuitously as a pupil, from having been known to him in the humble capacity of a poll-clerk at the famous Bedfordshire election in 1780, when Garrow, as assessor, laid the foundation of his success at the Bar. Pigott was there counsel for the Whig candidate, and saw Leech's activity and ability. He had been only a clerk in Sir Robert Taylor the architect's office. When Leech, from having been his humble protegé, first became his rival, and indeed almost immediately distanced Pigott, whose business, never perhaps first-rate, fell greatly off as his years and his slowness increased, his excellent nature bore it better and more meekly than Leech did his faculties. But he would have ever and anon a sly word at his friend's cost and charge. One day he said to me,—"Have you seen the *Observer* Sunday paper?" "No," I said, "I never read it or any Sunday paper." "Well then, go and read the *Observer* Sunday paper." But I in vain asked what I was to read in it, or wherefore I was to read it at all. He would only say—"Never you mind—only look you at the *Observer* Sunday paper—that's all." I did, and I found a paragraph that Leech was to be immediately elevated to the Peerage by the title of Baron Seaford, of Seaford, in the county of Sussex, of which place he was recorder, and also boroughmonger, and member.

Whishaw, whom Pigott highly esteemed, as do all who know that excellent and well-informed and worthy man, (and who had been his devil in 1806, when the

name of *diable boiteux** was given him), used frequently to pass a week with him in the country in the Isle of Thanet, where he had a villa. I have heard him say it was curious to hear Sir Arthur give advice to his country neighbours, so very different from what romances describe as the legal habits. It was always to avoid a lawsuit "as the second misfortune, do you observe, which can befall any one." But when his consulter would ask what then was the first? "Was it death or what?" "No," said the worthy old Pig, "No, not precisely that — but worse. I meant a Chancery suit—for the grave affords some rest—and there is a set off against suffering—but the suitor before my Lord Eldon has none whatever." He himself had dreadful complaints of the bladder, which made him possibly so speak—certainly made him often, when the conversation turned on who was the happiest man, uniformly answer, "No—the man that sleeps."

He had formed a very poor idea of the happiness of a minister. Indeed, he deemed the man out of his mind who preferred politics to the law as a profession, holding it eminently insecure of tenure, and not very consistent with perfect honesty. I recollect his once saying, "when I see the wholly uninterrupted demands on my Lord Chancellor's time—the perfect impossibility of his satisfying his own conscience, if he has a tenth part as much of it as he says, the numberless claims of professional men for promotion, and of parsons for livings—and add to all this, his Lordship's constant and groundless agony for fear of being turned out, I abate much of my aversion to his keeping such a firm grasp of the Great Seal. I almost begin to feel for him." So he was much amused by hearing the saying of Pitt, when men were discussing the qualities required in a Prime Minister—one said, "eloquence,"

* Whishaw had lost one leg, and had a false one well contrived, but still he halted in his gait.

one, "good health," and so each named his quality—but Pitt said, "patience."

As for Lord Eldon, Pigott always said he knew precisely when he was, or at least felt himself, peculiarly secure of office—it was when he spoke of going out as a likely event; said, "next Term, if I should then be in office;" above all when he talked, as he frequently would do, of retiring from his labours, enjoying the repose he had earned by a life of labour, and preparing himself for that change which all men must undergo, and which he so nearly approached. "Now," old Pig would say, "you may be quite well assured both that all is well at court, that all their bickerings are made up, and also that my Lord Chancellor feels himself in the enjoyment of perfect health." Nor did I ever know my old and valued friend mistaken in his conjectures on this head. Once that I was sitting by him accidentally in court he made an equally happy guess. The Chancellor was descanting pathetically and somewhat severely upon the great offence of a runaway marriage, which some counsel had rather made light of. "It is," said his Lordship, "a very serious—a very grave offence—I don't say an offence for which there can be no pardon—but one which to make it be forgotten requires a long and well-spent life ever after." "My Lord" (whispered Pigott) "is referring to his own life, no manner of doubt of it." It is known that Lord Eldon's marriage was of this kind, whatever his after life may have been.

Sir Arthur Pigott made no pretensions to oratory in any of its branches, and like all such persons, he somewhat too much, more if possible than even myself, despised it. Close argument, clear statement whether of fact or of law, he of course valued. Anything else at the Bar he would call "Fringe, as it were," or, "air, you see," or, "all that sort of thing, you know;" and he usually followed up the reference to it with a

"which of course, is neither here nor there;" sometimes adding, "we ain't here, you know, before a Jury." That he had great talent for reasoning no one can doubt, any more than that his opinion was as sound as possible. Once I remember being at a consultation with him, when he clearly expounded the case, "opening to us," as it were, the law, and I well recollect that a learned Serjeant now gone to his account, (or as Sir Arthur once said with a grin, "into the Master's office,") was in attendance, and being junior to all but myself, and having expected to write down the opinion, had somewhat rashly prepared one on his brief—handing that brief over to me, I wrote, as we had all very clearly agreed, that the action would not lie, and indeed, that the point of law was clearly against our client, which we all signed. But seeing something written, I looked over it, and found the learned Serjeant had written his opinion directly the reverse, and yet he was the author of learned works on the law.

Pigott, though thus lightly deeming of rhetorical accomplishments, was not without some of the talents that lend themselves to "fringe," "air," "mere wind," and "all that sort of thing." Once, a few months back, he came into the Court of King's Bench as leading counsel for the Bank, his old, and in those days, very valuable client, in consequence of the Forgery prosecutions, in each of which, wheresoever tried, he behoved to have a brief, and generally a consultation. A rule for a mandamus had been granted to have larger dividends made. Sir Arthur appeared to oppose the rule being made absolute (show cause), and his argument being the irrefragable one, that the Court of King's Bench never could be the place to decide what dividend should be made at any time, he began, to the great delight of the court and the bar, and almost the envy of Lord Ellenborough, by saying, "Your Lordships, if this rule be made absolute, would seem to be,

as one may say, destined to new uses." It is hardly necessary to add, that the Court was little inclined to execute the use in question, and the rule was discharged.

My excellent and truly learned friend had a very strong prejudice against the Scotch. Upon what it was founded I could never exactly ascertain; nor did he much help my inquiries; for he, perhaps, felt it to be a kind of weakness, and was not over fond of avowing it—though always subject to its influence. I remember when Whishaw, once speaking of George Wilson, quoted comically enough, with variations, Pope's line on Craggs—

"Statesman, yet friend of truth, of soul sincere."

(which the *varia lectio* made *Scotchman*), and I mentioned the jest to Pigott, observing that those present all wished he had been there. "Now," said he, "that's not at all right, for it does so happen that some of the very best men I have ever known have been from that country—and not only the person, in respect of whom the reference to Mr. Pope's verse was made—but one or two others also—at least, one certainly." I could hardly avoid smiling to see how the little weakness was operating all the while that Pigott was defending himself from the imputation. It broke out unexpectedly enough on another occasion of Lord Melville's persecution (as I, not he, termed it) by the Whigs—for the King (George III.) being mentioned, and how much the famous vote of 8th April (1805) must have vexed him; "Why not exactly so" (said Pigott), "for you will observe he never much liked Dundas, and naturally was distrustful of him as being a Scotchman." Some one mentioned Lord Bute as his prime favourite, though of that country—but Pigott said it was a great mistake so to think, and a mere party slander, for he knew that, except just at first, the King never could bear Lord Bute, chiefly

because of the stories about his mother having too much fancied Lord Bute. And "this was one cause," said he, "of the dislike of Scotchmen, but by no means the only cause, you may be quite sure."

Of the Irish he had not by any means so bad an opinion, possibly from having been so much thrown into contact with Burke, Sheridan, and above all, Fitzpatrick, who never failed to set up his countrymen as against the Scotch, and who gave the same bias to Mr. Fox's mind and feelings. But Pigott always made this very large exception—that if you wanted to know the truth of any statement, you must not go to one of that fanciful nation, who, he thought, never "seemed to regard the state of the fact as at all material, you see." He esteemed the General (Fitzpatrick) most highly, justly considering his fine sense, as well as exquisite wit, perfect in their kind, and adding always that it was impossible to conceive any person more absolutely correct and trustworthy in his statements of fact; insomuch he would say, that you, might perceive, even in telling a droll story, how the General picked out carefully whatever was interesting or effective in the mere facts themselves, without even in the least degree varying one feature of form or hue of colour. In fact, Pigott would say, "It is absurd, you observe, to call him an Irishman at all, for he is only Irish by his lineage and descent, and has passed all his time among us. For Burke's judgment he had not at all the same respect—by no means because of his partaking of the national peculiarity, which he in no degree did, but because of his heated feelings and his being a bad adviser of the party. "No man, I would say, ever got us into more scrapes, while he was among us, so though one regrets any loss of a really great man from our body, yet one can hardly, as one may say, in an interested point of view, be very sorry that he left us."

This apprehension of Burke, or at least the rooted

distrust of his judgment, was not confined to Pigott. Others, indeed, liked him much less. That great man was never popular in the party. He was far too disinterested, far too large in his views, to please a set of men whose only principles were to turn out the Ministers and take their places; in whose eyes there was no public virtue but sticking to one's party through thick and thin, right or wrong; and who knew no wisdom but always harping on the same string, in season and out of season, till their adversaries chanced to take up the tune, and then to alter their note and make a hideous discord. These genuine party-men never much relished the wisdom and patriotism of Burke, but also they found him a most dangerous associate when they were in the right, and were pursuing prudent courses; for he was exceedingly impracticable and violent, and took views often of a very personal nature. Thus his whole conduct of the Impeachment was most hurtful to the party, and not very creditable to himself. His unbridled violence broke out at every turn. The House, which supported him in the accusation against Mr. Hastings, passed a censure on him for charging Sir Elijah Impey with murder, and acquitted that eminent Judge of all blame after full investigation of the charges, when Sir Gilbert Elliott (afterwards Lord Minto) very ably brought them forward. The whole impeachment was Burke's own private affair, and of no possible party use; for Pitt had very unjustifiably lent himself to it, as throwing out a tub to the whale, and occupying all his adversaries for some years about nothing. Then Burke's violence in the Regency debates, and the indecency of his expressions about the unfortunate King, called down general disapproval, and made the party quite sick of him; so that it is a great mistake to fancy the dislike of Burke only arose from his conduct early in the French Revolution. On the contrary, I have some reason to believe that there was at one

time no great disinclination in Mr. Fox himself to take the same view, and line with the Portland party on that great question, and then we should have seen Fox and Pitt making war together or together keeping peace, and the good Whigs would have outrun the Tories in their loyal Anti-jacobinism.*

The easy and kindly nature of Mr. Fox was not unfrequently circumvented by the active zeal of Burke, as it was so often by the shabby dispositions of more ignoble *earwigs;* and Pigott could with much difficulty bear the sight of one whom he so affectionately loved, and so deeply revered, being trepanned into great scrapes by the imprudence and violence of his adviser. What must he have thought of that amiable and highly-gifted man actually,—because Burke had been censured for saying that Hastings murdered Nuncomar by Impey's hands, after Pitt had given his conscientious verdict judicially, and acting as a grand juror,—getting up and declaring that the Chief Justice who condemned the man was a murderer; that his three Puisne Judges who agreed in opinion with him were his accomplices in the murder; and that Pitt, because he now refused to find a true bill of impeachment against him, also became his accomplice—not his accessary after the fact—which would have been only monstrous injustice, and indeed absurdity—but his accomplice in the crime—which, if Mr. Fox thought for a minute, must have been perceived by him to be stark nonsense—a thing he was little used to speak—

* His Honour's conjectures are well borne out by Lord Malmesbury's Correspondence, lately published. It is there clearly shown that there was nothing so near Mr. Fox's heart, in 1792, as a coalition with Mr. Pitt to resist the fury of the ultra-reformers or revolutionary party, and oppose the progress of the French enormities, then become an intolerable sight in the eyes of all Europe. It is plainly proved that we were within an hair's breadth of having this important junction of parties; and that it was prevented by the sordid acts of selfish underlings on both sides cannot be doubted. Such creatures are like the vermin on the surface of two great bodies, and feel sure they must be crushed should they come in contact.

or false, ignorant, disjointed, jumbled metaphor—a thing he was, if possible, still less accustomed to fall into. But he was blinded by his party-spirit, in him predominant all his life, and the cause of all his errors as a statesman; and he was urged on by the desire of saving Burke's credit, who had gone so much too far in this senseless line of attack, that his leader thought he could best save him by going a considerable step in the same direction. All these things made Mr. Burke assuredly no idol of Sir Arthur's worship; and his great proneness towards the figures and the exaggerations of oratory no doubt added to the undue estimate which he formed of him, while no man did more real justice to his excellencies of a solid description, or more revered his public virtues.

It appears almost incredible to any one now calmly looking back on the life of Burke, that he should have been so much the dupe and sport of his own feelings as he proved himself through the whole of the Impeachment. In the other passages of his life he really seemed one of the wisest and most reflecting, and even most calm-minded, of men, if we except the *degree* in which the French Revolution was dreaded by him; for that he was in the main quite right no one now denies; and that his sagacity was perfect in foreseeing its progress and effects is undeniable; though he certainly carried his opinions to an excess in desiring the restoration of the old monarchy without any alteration at all, and especially placing so much confidence in a body utterly worn out and untrustworthy, like the old *noblesse*. But in all his views of general policy, in all his constitutional doctrines, and in his views of party policy and party duties, no man ever exhibited a more acute or a more calm and reflecting mind—with the single exception of his favourite hobby-horse, the Impeachment—the endless, the groundless, the bootless Impeachment. This for years and years engrossed his mind, and it often really

prevented him from exercising the most ordinary portion of common sense and discernment. The Indian tribe, for instance, as he termed them—that is, all who had served their country or made their fortunes in the East—were the objects of his endless hatred and unwearied abuse. One is "a criminal who should long since have fattened the region kites with his offal." Another sets on the Chief Justice to commit a foul murder (no regard being had to the trifling circumstance of the three other Judges joining in the sentence). A third is wicked and profligate, even for an East Indian. And the strangest thing of all is, to observe how his hatred of Jacobinism makes him look on the other objects of his hatred as Jacobins, when they very notoriously are, of all classes, the most averse to everything of the kind; for we find him, after the abuse of liberty in the French Revolution had begun to divide his zeal with the East Indian abuses, speaking continually of the gentlemen from the East as practical Jacobins, and attacking them as public criminals of the same class. The injury inflicted on the Whig party by this extravagance was incalculable. That party never could, by possibility, gain by the result of the Impeachment, whatever success might attend it; for the Minister had made himself the ally of Mr. Burke, and, indeed, had enabled him to carry his motion against the Governor-General, as he defeated him when the question of the Chief Justice arose. So that a mere occasion for the display of eloquence was all the Whigs could hope to gain from the speculation; while they lost by it the chance of opposing the Minister on many other questions of practical importance; and also created the most universal and deep-rooted prejudice against themselves and their whole policy in the minds of every person connected with the East. For it is not to be doubted that never statesman or ruler was more universally esteemed and admired than was Mr. Hastings by all

who had ever been in the East, and all who were closely connected with its affairs. The party accordingly soon tired of the Impeachment and of Mr. Burke; and there were some most important members of it, such as the first Lord Lansdowne, who from the beginning took a very decided part against it. That distinguished statesman has left a very fine bust of the great Governor-General, on which are inscribed the significant words, "*Ingrata Patria.*" Sir A. Pigott was no follower of Lansdowne House; but the mischief of Mr. Burke's *monomania* upon Hastings may certainly have made him estimate below their real value the sense and genius of that extraordinary person.

If such and so moderate was my old friend's estimate of Mr. Burke, it is easy to conceive how much lower he held Sir Philip Francis. Him he charged, as did all the party, with having stirred up Burke's unmanageable zeal—and him he also charged with uniformly acting in the whole of a great national and even a judicial question, from motives of mere personal hatred and revenge; of his talents, he perhaps formed too low an estimate, and of his judgment or discretion (qualities which, in Pigott's view, were of first rate importance) he certainly held the lowest opinion possible. It must not, however, be supposed that he at all differed with the bulk of the party in his opinion of Hastings' conduct, though he must have considered it as exaggerated and prejudiced, and probably regarded the whole affair of the Impeachment as unhappy for the Whig party in every point of view. But he acted as one of the counsel to the managers; and hence he leant a good deal more against Hastings than he was at all likely to have done but for this connexion.

When I now look back on these strange, and, to the country, very discreditable proceedings, I must say that nothing, for a trifling part of it, seems more inconceivable than the cool injustice, as well to the

tax-paying people of England, as to the unfortunate victim of the combination against all justice—of giving the managers the aid, at a heavy expense to the public purse, of no less than six counsel. Not only had they two king's counsel from Chancery, Pigott and Mansfield (the latter formerly Solicitor-General), and two common lawyers, W. Burke and Douglas, but they must needs have also a "pair of doctors," Scott, afterwards Lord Stowell, and Laurence; and why two civilians in a matter utterly wide from all consistorial subjects? Simply because Burke must take the childish fancy that some questions of the law of nations might arise—a supposition wholly fanciful and ridiculous, and which was treated with the supreme contempt it so well deserved, by the defendant never once dreaming of having any but common-law men for his advocates. Observe, too, that among the managers themselves were all the Whig lawyers in the House of Commons. Here, then, was Mr. Hastings to struggle against the eloquence of Fox, Burke, Sheridan, Windham, and the legal subtility of the lawyers in parliament—and that not being enough, there must be added, at the expense of hundreds a-day, six other practitioners in different courts in order the more effectually to overwhelm his person and his purse. To meet all this array he had only three counsel, and those not then of the first eminence in point of practice: Law, afterwards Ellenborough, Dallas, and Plomer—the first alone an able and excellent advocate—the second a flowery and rather feeble speaker, little of a lawyer, and eminently unhandy at Nisi Prius—the third no lawyer at all, and only good at a long and loud speech, and wholly incapable of Nisi Prius practice; so that Law was his only resource.

The Whigs had, moreover, some little regard to the pleasing operation of promoting their connexions in this arrangement. Thus Mansfield and Pigott were

their sworn allies; W. Burke was the cousin of Edmund, and never held any other brief. Douglas, afterwards Lord Glenbervie, always useless as an advocate, and never known in the profession but as a reporter in the King's Bench and election committees, was son-in-law of Lord North, the idol of the party ever since their famous coalition with him. Thus of the whole six not one was of the very least value as a Nisi Prius advocate; and yet the only conceivable use of them was to help the managers on points of evidence as they suddenly arose. For even Pigott and Mansfield had for years been confined to the Court of Chancery, and never been in great practice at Nisi Prius; and the other four were not even to be named. I may thus retract what I said of the legal array oppressing the defendant; it was designed to do so, but the love of party jobbery mitigated the blow levelled at him. Little courage did it ask of Law to stand alone against the array thus appearing against him. He saw no one Nisi Prius man against him; but Equity men, when no point of equity could arise—civilians, when there was no point of civil law involved—and cyphers. But when an impeachment again came on in 1806, it was observed that the vile and jobbing precedent of 1788 was not followed; and Lord Melville's accusers had no aid of counsel at all, though in a case which far more required it.

We old men, retired judges, have the privilege of rambling, of making *extra viams* in our journey, and one topic suggests another. I have named the trial of 1806. There were some passages therein which may be worth recording. Jekyl was a manager, and he was even more profuse than usual of his little jokes. Conceiving, I suppose, that his dignity of manager did not allow him to jest in his own proper person, he fathered his *dicta* upon others, and especially the Duchess of Gordon, who, from affection for her old friend and ally, Harry Dundas, was a very constant

attendant in the peeress's box. Of Plomer's speech (a very powerful though somewhat heated and ponderous performance) he made her observe that it was "Plumber's work—hot and heavy." Of Dan Giles, an old subject of Jekyl's *muse*, and he not being very happy in his efforts as a manager, the good duchess was made to say, "Giles is the manager's daughter—Mis Manager." Jekyl was not the only joker on the occasion of this famous and ill-starred trial. The reverend the Judges partook of the general contempt of the proceedings. Mr. Baron Thomson was pleased to say, "he had often heard of impeachment of waste, but here was waste of impeachment." In one sense it was not wasted, for the admirable firmness, mixed with perfect suavity of the Chancellor (Erskine), restored that constitutional remedy to the position of being practicable, from which Burke's endless proceeding against Hastings had seemed to degrade it for ever. To conclude on this head the little that I have to say, the argument of Pigott on a question of evidence and procedure was by far the ablest thing to which the trial of 1806 gave rise; and Romilly's summing up, though most able in all parts, and in some very beautifully done, fell exceedingly flat from want of physical power in the delivery, and from the ill-judged course of having neither an exordium nor a peroration. Whitbread's display was in all respects unhappy—over done—in bad taste—and failing even in close reasoning on the facts. Its worst part, about his father's death and trade, gave rise to extreme merriment, instead of proving at all pathetic. Mr. Frere turned the son's speech into verse, in which I remember one of the lines, which alluded to the father's:—

"Bier with an *i* and his Beer with an *e*."

I recollect the good old gentleman himself once remembering his beer with an *e*, when he might as well have forgotten it. Bearcroft was in company,

and Old Mr. Whitbread would always call him "Mr. Beercraft;" on which the counsellor was pleased to observe sharply:—"I'll tell you what, Mr. Whitbread; that's not my name, but your trade."

I was in Parliament during the memorable session of 1809, commonly and justly called by the names of two very different individuals, and thus known for Mrs. Clarke's Session, or the Duke of York's Session —much as one Parliament was called the Lack-learning Parliament because no lawyers sat in it. The character testily given by Lord Coke of that body is applicable to the session in question:—"*Never a good law was made thereat.*" Mr. Curwen's bill against seat-selling forms no exception, nor Mr. Perceval's against office-selling; and, as ancillary to the prohibition, against advertisements offering premiums for procuring places. Indeed, we still see constant advertisements, that so much will be given to any one that shall procure the advertiser "a permanent mercantile situation;" the meaning of which every one knows.

T'other day I refreshed my recollection of the York and Clarke Session, by reading the evidence and the debates, as given in 'Cobbett's Parliamentary Register.' Nothing can be more curious, and nothing much more interesting. But my memory supplies many things not to be found in "the books." The most striking of them is the intense interest, the feverish excitement occasioned from first to last both in doors and out. All other business, foreign and domestic, was utterly neglected; all other topics became quite tasteless. No company could assemble without an instantaneous broaching of the prevailing subject; no other matter could attract the least attention in the House of Commons. To no motion, either on the war, or the Convention of Cintra, so late the engrossing theme, could the least quarter be given. It was Mrs. Clarke—it was Miss Taylor; the cleverness of the one, or her profligacy—the innocence of

other, or her dubious character: and as for the poor Duke, except among the ministers or some gallant opposition chiefs, who scorned bad popularity and detested cant, like General Fitzpatrick and Mr. Windham, not one voice was raised for him.

The next thing which I well remember was, that the multitude never formed anything like an accurate notion of the case, or even of the issue tried; indeed, 99 in every 100 you met never got beyond the admitted fact of a double adultery; and the same feeling seized a vast number of the Judges—the members of the House itself.

The next remark I make is on the conduct of the case. Mr., or, as he was called, Colonel Wardle, mismanaged it as entirely from first to last, as it was, humanly speaking, possible to mismanage any case. The very last thing he could do was to examine a witness. His stupidity was extreme; his dulness intense; he seemed void of reason. He held in his hand a list of questions, and he often went on putting them in succession, without regard to the answers he had got. He never took any objection to the irregular, indeed the illegal, course of proceedings often taken against him; and his own irregularity, the consequence of his gross ignorance of all procedure, of all law, gave an abundant justification to whatever his adversaries chose to attempt for his discomfiture. His aspect even was pitiable, and commanded no respect or sympathy, not even compassion. He was helplessness personified, greater by far than any young barrister ever showed on having his first brief put into his hands on his first circuit. For some time it seemed that he and his cause must entirely fail; and Mr. Canning was tempted, by the impunity he thus gained, or seemed to gain, so far as to declare that this inquiry must cover one party or the other with infamy—a gross imprudence, even for him, the most indiscreet of men—and of which he made some

singularly clumsy and wholly unsuccessful efforts to get rid, by somewhat shuffling explanations. Indeed, until Lord Folkstone came to the unhappy Colonel's assistance, there seemed no chance of any but one result, that the Colonel should be laughed out of Court with his case.

The worst part of his conduct was the want of honesty and fairness which it betrayed. He was early detected in a false statement of a glaring description, and he was shown to have become possessed of Mrs. Clarke's letters by unfair, almost by fraudulent or by violent means. Nor did many men, in their hearts, much dissent from Mr. Windham's cutting remark, that he would much rather be proved guilty of the very worst things falsely imputed to the Duke of York, than have brought forward the case on Wardle's grounds, with the associations he had submitted to, and by the means he had employed to obtain the evidence in support of his charges.

I have mentioned the extraordinary sensation which the opening of this strange scene produced both on the Parliament and the people. But it was not an eight days' wonder; the feeling excited was rapidly and widely spread over the country: and it was not superficial; it took a deep root; it engaged all men's attention; but it also sunk in their hearts, and the excitement was kept up from hour to hour for weeks. The Duke was run down by a party in the hands of the multitude; and that party numbering among its members men of the highest character, the weight of the accusations which they preferred, with the statements of the witnesses whom they brought forward, overpowered the unfortunate object of the popular hatred; so that anything like a fair trial was hopeless, and he was compelled, at the close of the investigation, to retire from the Chief command for a season. Then the storm subsided; men began to reflect; the characters of the accuser and of his witnesses were

canvassed; the evidence which they had given was reconsidered; accidental quarrels among the conspirators broke out; the Courts of Law were appealed to; and somewhat of a clamour, with better foundation than the outcry against the Duke of York, broke out against his persecutors: so that, after two years' retirement, his restoration to office was hardly a matter of either opposition or surprise. It is, however, well to cast our eyes back on the manner in which the storm against him was raised, because it affords curious illustration of the mischiefs that ever attend the letting popular influence break in upon the administration of justice; and, above all, it shows how nearly akin to the worst crimes committed by Judges in our courts, under the pressure of despotic authority, when the Crown ruled without control, are to the faults of a popular assembly, acting under the fierce and vulgar tyranny of the multitude out of doors.

I shall not soon forget the impression made upon me by the proceedings in this remarkable case. It seems as yesterday, although above ten years have since passed over my head,* and I have seen something of the parliamentary judicature in lesser cases. But at that time all was new, and all was strange. Accustomed to the procedure of our courts of law, governed as they are by rules, and, above all, by the rules of common justice, which require that no one shall be tried behind his back, nor without free power to sift the proofs against him, and a distinct knowledge of the charges under which he lies—accustomed to the rules of evidence, above all to the cardinal rule that nothing shall be told by any witness which is not within his own knowledge; much more, that no interference of the mob and of the rumours propagated among the mob shall be suffered to influence the judges—accustomed, above everything, to the cardinal principle which prevents his adversaries from

* Written in 1847.

sitting in judgment on any man, and requires that they who decide shall be guided only by the merits of the case, and moved by the desire alone of distributing justice: what was my amazement to find every one of these same laws violated at every moment of the inquiry; to see the most obvious principles of procedure outraged continually; to find that the Commons had absolutely no rules of evidence to guide them, but proceeded as the mob would, and the mob in a state of excitement; above all, to observe that those who assumed the part of judges never furnished the accused with a notice of the charges against him, and were themselves throughout in a state of party animosity either for or against him, which absolutely prevented the possibility of justice being done!

I recollect, from the very commencement of the inquiry, my horror at the kind of evidence allowed to be given. A doctor, the first witness, said he carried a message from a Mr. Knight to Mrs. Clarke, offering her £200 if his brother could get an exchange from his regiment; and he was asked by Mr. Wardle through what medium he expected it to be effected. He was then allowed to say: "I *suppose* it was pretty *well known* that she was acquainted with a great personage at the time." I stared a little at this kind of testimony; but I was soon to see very much worse things. He was desired to speak to things he knew, and not to surmise or understanding; but he was suffered to go on, and tell, what the House greedily swallowed, all he had heard, and suspected, and understood, and knew nothing about. Then he was asked if for what he was saying he had any reason but his own surmise; and he answered, "No other reason upon earth."

I now clearly perceived that to keep the Honourable the Commons within any kind of rules was a thing impossible; because it was plain that, even when for an instant they saw the right path, they were

wholly incapable of following it for ever so short a time. We had samples of levity and indecorum occasionally to enliven our researches. Thus, when Mr. Wilberforce had put a question as to Mrs. Clarke's residence, Mr. Fuller (whom we used, for his familiar use of oaths, to call *Blast* Fuller) asked the witness "whether she did not live next door to the tabernacle." The chairman asked if he should put the question, and the House, but in roars of laughter, answered "No."

Then came forward the celebrated Mary Ann Clarke; and she having in various matters deposed to what was proved false by the testimony of Dr. Thyme and Mr. Knight, respectable persons, and also having grossly prevaricated and shown herself to be wholly unworthy of credit, the House still resolved to go on; and, in so doing, they called for Colonel Wardle, one of their fellow-members, and the prosecutor of the accusation. Him they severely and irregularly interrogated as to all his dealings with Mrs. Clarke; and he also prevaricated, was contradicted by his witness, and contradicted himself; and then came down to correct his evidence next day, admitting what he had formerly denied, as, that he had seen Mrs. Clarke the day before his first examination, which he now confessed he had done three several times. A more desperate figure than that of this noisy patriot, the flower of the Principality, I fear I must call him, never did I see in any court or place.

Then the inquiry so pleasing to the House, so tickling to the prurient appetite of the multitude, so dear to all newspapers, and so engrossing to all drawing-rooms and all club rooms, was persisted in, and worse irregularities were hourly perpetrated by the judicial the Commons. One of the grossest of these was that Mr. Adam, a member, having taken the Duke of York's part against Mrs. Clarke, out of doors, because he was counsel of the Duke, though he

said without any salary, the House suffered Colonel Wardle to examine him as to the state of his family, the promotion of his son, an officer in the army, against whose commission not a suspicion was ever ventilated, but solely to show that Mr. Adam had received favours from the Duke. Thus a collateral issue was tried, absolutely unconnected with the Duke's conduct; and the House was to examine evidence on the utterly irrelevant question, whether Mr. Adam was really a gratuitous adviser of the Duke, when no one could for one instant fancy that by saying he was so, he could ever have meant anything except what his words plainly import, namely, that he acted without a salary or fee!

I recollect a Capt. Huxly Sandon being examined as to the Duke of York having, through Mrs. Clarke's influence, given one Col. French leave to raise a corps. Well! he was asked what passed between, not the Duke and him, or even Mrs. Clarke and him, but Col. French and him! My old friend Pigott naturally objected. Gibbs, then Attorney-General, joined in the objection. But Perceval and Yorke, though admitting the evidence to be mere hearsay and utterly illegal, were for receiving it on the strange ground that Wardle should not be stopped in any way, and that there should be the fullest leave given "to sift the matter to the bottom." Protect us, I inwardly prayed, from such proceedings! So, when my character and conduct is in question, anything that any one may say to any other is to be stated to my judges, in order "to sift the matter to the bottom!"

The reason why Messrs. Perceval and Yorke took this course against all right and justice, and all colour of law, was too apparent; they dared not do any one thing, or permit any one thing to be done, for even in appearance stopping the inquiry. The multitude out of doors, and their as mob-like representa-

tives within, would not hear of it. The inquiry must go on at all events, and whatever questions any one chose to ask of any person, must be permitted for fear the investigation might seem to be stopped, or publicity to be shunned. However, we had some more specimens of House of Commons inquiry. I remember a member, Mr. Mellish, of a very light complexion and hair, was said by one witness to have shaken hands with the Duke at Mrs. Clarke's. There could not, by possibility, be any one thing more utterly immaterial to the question, or to any question. But Mr. Mellish was examined, and said he never had seen Mrs. Clarke till he saw her at the bar, and never had, in his whole life, been in her house. Hereupon the witness being again asked, said it was not Mr. Mellish he had seen, but he had been told it was by Mrs. Clarke, and he could not help her telling a lie! A new issue was then raised, whether it was Mr. Finnerty, and whether he had been seen at Mrs. Clarke's. The witness said he saw a newspaper man there of a very awkward figure, sallow complexion, rather ugly, and very badly dressed; that he belonged either to the *Chronicle*, *Times*, or *Post*. It would be quite needless to recollect all the vague irrelevant matters thus gone into, or to record the instances every minute afforded, of all the tales which any one had picked up, being received in evidence by the Commons of England in Parliament assembled on a charge of corrupt conduct against the sovereign's son, holding the high office of Commander-in-Chief.

In the course of the inquiry, witnesses were committed for prevarication. General Clavering was in this way sent to Newgate for as scandalous and low an attempt as ever was made to push his fortune with the Duke, by volunteering false evidence before the House, he having himself actually bribed Mrs. Clarke to obtain a place for him; and the House, in its inquisitorial functions, did not scruple to investigate

the amours of Mrs. Clarke with other persons not charged with anything, and mere private individuals; nor did the Honourable House hesitate to break open a witness's dwelling house doors, and private desks, in order to get at his letters, and to find letters of Mrs. Clarke.

In truth, I felt such rooted disgust at the whole of these proceedings, that after some weeks I ceased to attend; and when I returned, I found from Pigott and other professional friends, that all had been conducted throughout just as it had begun—the whole inquiry presenting a picture of anarchy, of lawless disorder, of mob proceeding, and ignorance or wilful neglect of every one principle that regulates the course of judicial conduct.

It is little wonder if the Duke of York was overpowered by this daily appeal to the mob. He durst not show himself in public for fear of the rabble.—His friends were held to be contaminated.—His adversaries were extolled to the skies.—Meetings were universally held to thank Wardle, Folkstone, Burdett, Romilly, and Ferguson. This last was a gallant officer distinguished in the service, and distinguished also by the Duke's constant kindness in their common profession. He was in nowise called upon to take any part; he might have abstained, and no one could have remarked it, for he never before or since took any part in debate. He came forward, however, and spoke shortly, but strongly, against the Duke, and against the truth of the case, as almost all men now think. His vanity was gratified; he was held up as an example to the army. All the officers of it considered him to have done a foolish, many thought a bad, action; but the Duke of York only showed his sense of this conduct by promoting him to a foreign command the moment he resumed his station at the head of the army!

The examination of a witness by some scores of persons promiscuously, and almost all of whom are in

utter ignorance of legal proceedings, or of the nature of evidence, is one of the most absurd parts of the proceeding I have been commenting upon. I know well that Jeremy Bentham holds cross-examination very cheap, and would substitute for it what he calls *undequaque* examination, that is, he would have the whole by-standers in the Court pelt the witness with questions, all of them springing from the brains of ignorant men, utterly unacquainted with the matter in issue, and wholly ignorant what the trial is about. This plan requires no experience to demonstrate its unutterable absurdity. But bad as it is, the Benthamites never dreamt of the last step of folly and injustice, the leaving all the audience who chose, some after hearing the case in whole, some only in part, and even those who had only heard one side and not a word of the other, to interfere to pronounce judgment upon it. But this absurdity is what I had the pain, the mortification, the great humiliation of seeing the House I belong to do in the Duke of York's case, and do with entire self-satisfaction, and to the unspeakable comfort and satisfaction of the people at large, and the great edification and glory of those who are zealots for Parliamentary privileges.

No one can look back on the famous inquiry on which I am casting my recollection and not bless Heaven that courts of law do not resemble the House of Commons. We lawyers may justly say that we "thank God we are not as other courts are, or even as this House of Commons." If ever a device was fallen upon more fitted than any other to bring justice into contempt, and Parliament into hatred, it is the course of proceeding pursued by the Commons in such cases, and in all that relates to their quasi-judicial functions —for example, their privileges. They follow no known rule; they abide by no fixed principle; they despise all authority; they are a law unto themselves; they are both party, counsel, judge, executioner; and,

moreover, they lay down the law by which they are to try, and to convict, and to sentence, in every case, after the alleged offence has been committed, and they adapt the new *ex post facto* law to the particular case which they have to try. That such a course should long be borne seems impossible.

But I have been drawn aside from my purpose, which was to mark the evils of judicial proceedings conducted by tribunals under the immediate control of a tyrant. The Judges under Henry VIII., and Elizabeth, and James I. were guilty of the most flagrant acts of cruelty and injustice through dread of the absolute prince they served. Even so were the peers. Look at the testimony on which Somerset was convicted of Overbury's murder. It was all hearsay; and rested on the confessions, mutilated in receiving and in proving them, of other parties who had been executed. Even the Gunpowder Plot was inquired into by anything rather than legal evidence; and Anne Boleyn was murdered by process of law. But the mob is as ruthless, as fell a tyrant, as any Tudor, any Stuart. Strafford and Stafford by Parliament, and the sufferers for the popish plot by the Judges, were all tried under the mob influence, by Judges acting under terror of the mob out of doors. Their proceedings are a disgrace to the name of Judge in this country. I continued all through the Duke's business to consider the House of Commons as precisely placed in the like circumstances. They were were acting under the dread of the multitude. Their conduct of the inquiry was as contrary to all law, and all rules of proceeding, as any course ever taken by either Parliament or Judges in the most arbitrary reigns of our history.

On our circuit we have had brethren coming from the two sister kingdoms of Scotland and Ireland. Ferguson, since gone to India, where he is making, I hear, a large fortune, was of the former class, though

he had never been at the Scotch Bar. But Ogle belonged to the latter country, and he too is now thriving in India.

Ferguson was an excellent fellow, full of talent, little read in his profession, owing, indeed, the reading he had to the accident of having been imprisoned under sentence for a seditious riot at the state trials at Maidstone, where he and Lord Thanet were charged with having aided in a rescue of the prisoners just acquitted, but detained on a new charge. Ferguson always spoke of this conviction with a bitterness foreign to his nature, as does Lord Thanet to this day; but Ferguson used to give us anecdotes of the Maidstone trial, which were amusing. Thus, Sheridan being called for the defendants, Garrow cross-examined him, and happening to dislike the answer he got, was using the ordinary form of palaver in repeating the question, "Perhaps I don't make myself understood?" "Certainly you do not," said Sheridan coolly enough. "Oh! then," and Garrow repeated his question in a different form; but still the desired answer came not; whereupon he said in the accustomed palavering manner—"It is perhaps my obscurity and confused way of putting it?"—Sheridan bowed assent in a marked manner, which excited loud laughter, as he added, "Exactly so." Abbott, now Chief Justice, was called for the Crown, and Erskine cross-examined him. Fugion, the Bow Street runner, had just been examined. Abbott gave a shuffling answer, which drew from Erskine the only harsh word, Ferguson said, he had ever heard from that great and mild-tempered man. "Sir, I should have been ashamed of the Bow Street runner if he had given me an answer like that." Abbott, Ferguson said, looked furious, and never forgot or forgave the blow.

The Irish Bar and Bench are, I believe, high in point of talent, and respectable in learning; but they have inferior powers of correctly doing their business. It is all a haphazard from what I have seen of them; but no

one can deny them great readiness and eloquence, and their wit is renowned. But their wit is not confined to the Bar as it is with us, unless on very rare occasions—"few and far between." On the contrary, the Irish Bench, if not the fountain of wit, is, at least, one of its reservoirs; it is a main through which wit flows freely and copiously. I have heard of numberless instances, like the one I formerly recounted, of Sir Frederick Flood's "unfortunate client," which, by the way, I ascribed to Lord Chief Justice Downes; whereas it was Lord Guillemores (Chief Baron O'Grady's). With his strong Limerick brogue; his quickness of repartee; his unscrupulousness of offending against strict decorum; he really seems to have been among the most accomplished of jokemongers. His sarcasm was often so sly that it went over the head of his victim, but was perceived and relished by the by-standers. Thus, when one rather of a silly nature was complaining of his son's obstinacy, and calling that near relative a "complete mule," "No doubt" (said O'Grady) "he has a title to the name, both personal and hereditary." But his victim asked, "How could a mule beget a mule?" "No, truly," answered he, "but every mule must have a father." Macnally, a vulgar man, and therefore ever fond of keeping high company, was once showing off about his dinners at Leinster House, and would bring on the subject by affecting to complain of their plainness and scantiness. "How so?" said the Chief Baron. "Why," says Macnally, "for instance, yesterday, we had no fish at table." "Probably," said my Lord, "they had eaten it all *in the parlour;*" so fine was his wit. But in more broad jesting Chief Baron Patterson was at least his equal. He once addressed a Grand Jury on the state of the country, then disturbed by the cabals, intrigues, and squabbles of the great rival powers or families of Agar, Flood, and Bushe. "It is truly painful," said his Lordship, "to contemplate; but how can it be otherwise when the land is *flooded* with

corruption, each man *eager* only for place, and every *bush* conceals a villian?"

Macnally was one of the greatest romancers ever known even in Ireland. I have heard men say that he had, by some awkward, not very sober or any very temperate scrapes, lost the whole of one thumb and a moiety of another finger, and they used to ask the *how* and the *when*, to each of which interrogatories he would put in a totally different answer; till at last, getting quite confused, and half-recollecting his former accounts of the matters in question, he got furious, and said he had wholly forgotten all about it.

Another time Macnally went to Mr. Parsons, one of the wits of the Bar, when his son, a somewhat disreputable character, had been robbed: "Well (said M.), have you heard of my son's robbery?" "No," answered Parsons quietly, "No, who has he been robbing?"

I place Plunket very far above all the Irish and almost all the English speakers I have ever heard; and I have heard the best of both countries. But I never heard Plunket at the Bar, where I consider he must have been very great indeed. His perfectly logical head—his sustained force of reasoning—his entire neglect, amounting to an apparent contempt of everything but the matter in hand—the cause; his superiority to tinsel and all finery, like a kind of abhorrence—even without his own most chaste imagery, most apposite comparisons, happy illustrations, and occasionally, but very rarely, admirable jokes—these perfections place him in the very first line of orators among those of all ages; and these perfections are in a most peculiar manner suited to command the greatest success at the Bar, whether before the court or the jury. Of his wit, sometimes approaching to drollery, and the effect heightened by its contrast with the peculiarly grave aspect and manner of the man, I have seen both in Parliament and society instances not

very easy to repeat with success, because depending much on the circumstances and the humour of the person at the moment. There was, however, one quality that always marked them—they had something inexpressibly odd and wholly unexpected, and they came very easily into play. I remember once on a legal question in Parliament, he was speaking of the *Bastard eigne* and *mulier puisne;* he said, "the child after marriage, whom the law in its wisdom is pleased to call the *mulier*, and might as well have called the *ostrich.*" I never saw the lawyers present more merry, except perhaps when Windham in his admirable and unreported speech on the Walcheren inquiry, said, "Talk of a *coup de main* in the Scheldt! You might as well talk of a *coup de main* in the Court of Chancery!" At that moment the Master of the Rolls (Sir William Grant) entered, and took his seat, looking as grave as usual. But the gravity lasted not long; the shot told on him, and he rolled about on his bench almost convulsed with laughter. The speech was unreported, because Windham had offended the gentlemen of the press, whom a Judge once called our Lord the King of the Press. He had on a recent occasion of some complaint about misreporting, dared to say that he only wished they would let him alone and not report him at all. They took him at his word during the greater part of the session.

But to return from my ramble, alas, the only one I can now enjoy since our Welsh tours of little work and much play have been abolished. I remember once when some one said that he had seen a brother of Leech's (then Vice-Chancellor), and that his way of speaking and his whole ways, were so like those of his Honour, that the manner seemed to run in the family; Plunket, who was present, said, "I should have just as soon expected to see a wooden leg run in a family." It was this perfect appropriateness, and at the same time perfect unexpectedness, that gave such point to

his jests, as well as to his more severe illustrations. Natural without being obvious, the description somewhere given of fine writing, peculiarly applies to him; so does that other description, right words in right places, apply to his style, which is quite perfect.

I forget whether it was Plunket or Grattan, who said of Lord Clare, the famous Chancellor, that he was a dangerous man to run away from. But I have often recollected the sentiment as well as the phrase, and thought how much it applied to the Irish men of loud valour. Lord Clare, formerly Fitz-Gibbon, was a very able man and a good and even powerful advocate, but little of a lawyer. As a minister in difficult times he showed great firmness and vigour. I remember Grattan (who had fought a duel with him) thus spoke in his usual picturesque language and yet drawling tones: —"Clare was an honest man, but no friend to Ireland. Foster was a knave, but he would do a job for Ireland!" and one plainly saw that Grattan, from love of Ireland, preferred the knave to the honest man.

Grattan was, we all know, full ready to "go out," as it is technically termed, in Ireland especially; so the Government of the day once deemed it advisable to have "a man" ready for him. A bullying ruffianly fellow was accordingly, in that virtuous Administration, brought into Parliament; and all men were aware his mission was not so much to represent the people as to "*take off*" the people's favourite. He made an offensive bravo kind of speech, saying, "Whichever way he turned his eyes,—to the north, to the east, to the west, to the south,—he viewed with alarm the consequences of Mr. G.'s deeds." "Ay," answered Grattan, "the member has looked all around him, to the north, east, west, and south, and with alarm. Perhaps in the course of his survey he saw the gallows!"

APPENDIX.

I.

SIR ROBERT WALPOLE.*

THE antagonist whom Lord Chatham first encountered on his entering into public life was the veteran Walpole, who instinctively dreaded him the moment he heard his voice; and having begun by exclaiming, "We must muzzle that terrible Cornet of horse!" either because he found him not to be silenced by promotion, or because he deemed punishment in this case better than blandishment, ended by taking away his commission, and making him an enemy for ever. It was a blunder of the first order: it was of a kind, too, which none less than Walpole were apt to commit: perhaps it was the most injudicious thing, possibly the only very injudicious thing, he ever did; certainly it was an error for which he paid the full penalty before he ceased to lead the House of Commons and govern the country.

Few men ever reached and maintained for so many years the highest station which the citizen of a free state can hold, who have enjoyed more power than Sir Robert Walpole, and have left behind them less just cause of blame, or more monuments of the wisdom and virtue for which his country has to thank him. Of Washington, indeed, if we behold in him a different character, one of a far more exalted description, there is this to be said, both that his imperishable fame rests rather upon the part he bore in the Revolution than on his administration of the Government which he helped to create; and that his unequalled virtue and

* Walpole and Bolingbroke do not belong to the reign of George III. But it is impossible well to understand Lord Chatham without considering Walpole also. However, the great importance of continually holding up Walpole to the admiration of all statesmen, and Bolingbroke, except for his genius, to their reprobation, is the chief ground of inserting this Appendix.

self-denial never could be practised in circumstances which, like those of Walpole, afforded no temptation to ambition, because they gave no means of usurping larger powers than the law bestowed; consequently his case cannot be compared, in any particular, with that of a prime minister under an established monarchical constitution. But Walpole held for many years the reins of government in England under two princes, neither of them born or bred in the country—held them during the troubles of a disputed succession, and held them while European politics were complicated with various embarrassments; and yet he governed at home without any inroads upon public liberty; he administered the ordinary powers of the constitution without requiring the dangerous help of extreme temporary rigour; he preserved tranquillity at home without pressing upon the people; and he maintained peace abroad without any sacrifice either of the interests or the honour of the country. If no brilliant feats of improvement in our laws or in the condition of the state were attempted;—if no striking evolutions of external policy were executed; at least all was kept safe and quiet in every quarter, and the irrepressible energies of national industry had the fullest scope afforded them during a lengthened season of repose which in those days of "foreign war and domestic levy" was deemed a fortune hardly to be hoped for, and of which the history of the country had never offered any example.

Walpole was a man of an ancient, honourable, and affluent family, one of the first in the county of Norfolk, to whose possessions he succeeded while yet too young for entering into the Church, the profession he was destined to had an elder brother lived. Rescued from that humbler fortune (in which, however, he always said he would have risen to the Primacy), he had well nigh fallen into one more obscure—the life of a country gentleman, in which he might have whiled away his time like his ancestors, between the profession of a sportsman pursued with zeal, and that of a farmer always failing, because always more than half neglected by him who unites in his own person both landlord and tenant. The dangers of the Protestant succession at the close of King William's reign turned his attention

to political matters upon his entrance into Parliament. The death of the Duke of Gloucester, Princess Anne's son, had alarmed both the illustrious prince on the throne and the Whig party in general; the Tories had thrown every obstacle in the way of the Act of Settlement, by which the King was anxiously endeavouring to confirm the freedom he had conquered for his adopted country; they had only introduced it in the hopes of its miscarrying; and the near balance of parties in Parliament, when the Abjuration Oath was carried by a majority of one (188 to 187), evinced too clearly that in the country the decided majority were for the exiled family. It is easy to conceive how greatly the having commenced his public life at such a crisis must have attracted him towards state affairs,* and how lasting an impression the momentous question that first engaged his attention must have produced upon his political sentiments in after-life. Soon after came the great question of privilege, the case of the Aylesbury men, arising out of the action of *Ashby* v. *White;* and here he, with the other leading Whigs—the Cowpers, the Kings, the Jekyls, the Cavendishes—took a decided part for the general law of the land, against the extravagant doctrines of privilege maintained by the Tories. Sacheverell's trial—a Whig folly, which he privately did all in his power to prevent—completed his devotion to political life; he was one of the managers, and was exposed to his share of the popular odium under which all the promoters of that ill-advised proceeding not unnaturally fell. The Church party were so powerful that the mob was on their side as well as the Queen's Court; and this incident in Whig history, described by Bolingbroke as "having a parson to roast, and burning their hands in the fire," made Walpole dread that fire ever after; for it is not more certain that the share in the Act of Settlement with which he successfully commenced his public life, gave a strong Whig bias to his after-course, than it is certain that the Sacheverell case gave him a constitutional abhorrence of religious controversy, and an invincible repugnance to touch any question that could connect itself with Church or Sectarian clamour. Through his whole life he betrayed

* He seconded the motion of Sir Charles Hedges for extending the oath to ecclesiastical persons. It was carried without a division.

a lurking dread of any measure on which the religious sentiments of the community could be brought to bear, as if aware that these being subjects on which men feel rather than reason, it is impossible to descry beforehand the course public opinion may take upon them, or fix bounds to the excitement they may produce. This, and not any indifference to the great cause of toleration, always kept him from seeking securities which there is every reason to think he would naturally have wished to obtain, against the High Church party, and in favour of the Sectaries.

The sagacity of such men as Godolphin and Marlborough early descried Walpole's merit, which at once procured him their favour:—with the latter, to whom he owed his first appointment of Secretary at War, his intercourse was always intimate and confidential. When a vile Court intrigue saved France from being undone by the victories of that great man; when what St. Simon calls the "*Miracle de Londres*" unexpectedly rescued Louis XIV. from his doom; when, as Frederick II. many years after said, Blenheim, Ramillies, Oudenarde, Malplaquet, were all unable to defend him against detraction, and the French King was lost had the intrigues of a mistress of the robes and a bedchamber-woman suffered the Great Captain to remain two years longer in power—Walpole threw up his place with the Duke, and nobly refused to join some shuffling place-seeking Whigs, who were talked over by Harley and St. John to remain under the Tories. This was an offence not to be forgiven. His aggravation of it, by boldly defending the conduct of Marlborough against the slanderous attacks of the adverse faction, produced the charge against him of corruption while at the War-Office: and he was sent to the Tower upon an accusation of having received 900*l.* from a contractor; was expelled the House of Commons, though never either impeached or prosecuted; and, on being re-elected in the same Parliament, was declared ineligible by a majority of the House.

That Walpole, through the whole of this proceeding, was regarded as the victim of party rancour; that but for the factious spirit of the day he never would have been accused; that nothing can be less decisive against any one than a vote carried by a majority of twelve in a full House of

Commons, in which many of the adverse party voted with the accused, and many more refused to vote at all; and that the greatest distrust of their case was shown by the accusers in never venturing to institute judicial proceedings of any kind—may all be easily admitted; and yet there rests a stain upon this part of Walpole's public conduct. For what was his defence? Not to deny that the contractors had given two notes, one of 500 guineas, and the other of as many pounds (of which all but 100 were paid), but to affirm that they were only paid through Walpole's hand to a friend named Mann, whom he had meant to favour by giving him a share of the contract, and who had agreed to take so much for his proportion of the profit. Mann was dead: the contractors had made the notes payable to Walpole in ignorance of Mann's name, and only knowing he was put upon them as a friend of the Minister; and thus a case of fraud and suspicion appeared against the latter, which the unfortunate accident of the former's death prevented from being clearly removed. Now, that such a proceeding, admitting it to have been as Walpole himself describes it, would in our purer time have been deemed most incorrect, nay, sufficient to stain the character of any minister, cannot be doubted. In those days the course of office seems to have sanctioned such impropriety; and that no man was ever injured by having so behaved, any more than the reputations of some French ministers seem to be the worse for the wear they undergo on the Stock Exchange, must be obvious from the fact of Walpole having, in four years after, been placed at the head of the Treasury, though without the place of Premier; and afterwards becoming, and continuing head of the Government for nearly the whole residue of his life, with no diminution of his influence or his estimation in consequence of the transaction at the War-Office, and with hardly any allusion ever made to that remarkable passage of his life, during the many years of the most factious opposition which his long administration encountered,—when, for want of the materials of attack, it was seriously urged against him that so long a tenure of power by one man was detrimental to the state, if not dangerous to the constitution. Nothing can more strikingly show the great improvement which the principles of

public men and the practice of the constitution have undergone during the last hundred years.

When he quitted office, a charge of a different complexion, though connected with pecuniary malversation, was made against the veteran statesman. A sum of between 17,000*l.* and 18,000*l.* had been received by him upon two Treasury orders, two days before he resigned, in February, 1741-2; and to raise the money before the Exchequer forms could be gone through, they were pawned with the officer of the Bank. Now, Walpole never would give a detailed explanation of this transaction, but began to draw up a vindication of himself, alleging that the money was taken, with the King's approbation, for the public service. This paper is extant, but unfinished; and it consists of a clear and distinct statement of the course of the Exchequer in issuing money, from which the inference is, that no one can appropriate any sum to himself in defiance of, or escape from, so many guards and checks. This, however, is a lame defence, when the receipt of the money by him is admitted. The reason offered for his desisting from the completion of the paper is, that he must either leave it incomplete, or betray the secret service of the Crown. And it may be admitted that, except the suspicion arising from the date of the transaction, there is nothing in it more than an ordinary dealing with secret service money.

The general charge of peculation grounded on the comparison of his expenditure with his means, appears more difficult to meet. With a fortune originally of about 2,000*l.* a-year, and which never rose to more than double that amount, he lived with a profusion amounting to extravagance; insomuch that one of his yearly meetings at Houghton, "the Congress" as it was called, in autumn, and which lasted six or eight weeks, and was attended by all his supporters in either House and by their friends, cost him 3,000*l.* a-year. His buildings and purchases were estimated at 200,000*l.*, and to this must be added 40,000*l.* for pictures. Now, it is true that for many years he had his own official income of 3,000*l.*, with 2,000*l.* more of a sinecure, and his family had between 3,000*l.* and 4,000*l.* more, in places of the like description.* Still, if the

* 2,000*l.*, granted in reversion only, did not fall in till 1737.

expensive style of his living be considered, and that his income was at the very outside only 12,000*l.* clear, including the places of his sons, it is quite impossible to understand how above 200,000*l.*, or nearly twice the average value of his whole private property, could have been accumulated by savings. His incumbrances were only paid off by his wife's fortune. His gains upon the fortunate sale of his South Sea stock, just before the fall, could hardly account for the sum accumulated, although he states, in a letter to one of his friends, that he got a thousand per cent. on what he purchased. On the whole, we must be content to admit that some cloud hangs over this part of his history; and that the generally prevailing attacks against him in this quarter have not been very successfully repulsed.

It has been much more universally believed, that he carried on the Government with a profuse application of the influence derived from patronage; and that the most open bribery entered largely into his plan of parliamentary management. That in those days the men were far less pure who filled the highest places in the State, and that parliamentary as well as ministerial virtue was pitched upon a lower scale than it happily has been, since a prying and fearless press and a watchful public scrutinized the conduct of all persons in any situation of trust, may be at once admitted. It is a truth which has been repeatedly asserted in these pages; and if any conclusive proof of it were required, it is what we have in the universally known fact, that the combinations of political party now proceed so much more upon principle than upon personal connexions; or that when they are framed upon the latter, the pretext of principle is always used to cloak over arrangements which the improved character of the times will no longer suffer to meet the light. It may be further granted, that the period of Walpole's power was one likely to introduce extraordinary forces into the political system, since the stake was not always a ministry alone, but oftentimes also a crown. When such is the game, measures are readily resorted to, which in the ordinary conflicts or matches of politicians, would be reluctantly if at all adopted. That it was usual in those days for men out of office who had voted with the Govern-

ment during the session, and had obtained no promotion, nor any other favours, to receive sums of money—whether as a token of ministerial gratitude, or as a reimbursement of their expenses in attending parliament—has been so often asserted, and in some instances with such detailed particulars, that it seems to pass for one of the usual modes of House of Commons' management—pretty much like the shares (technically called *slices*) of loans distributed among persons in certain offices.* But we may safely assert, that Sir Robert Walpole's reputation for having carried on the Government with unprecedented corruption rests on no better ground than his open and honest way of avowing the more accustomed exercise of patronage, and his reflections, rather merry than well considered, on the nature of political men—which gave rise to the notion, that he held statesmen as more venal than others had believed them to be. His famous saying, that "all men have their price," can prove nothing unless "price" be defined; and, if a large and liberal sense is given to the word, the proposition more resembles a truism than a sneer, or an ebullition of official misanthropy. But it has been positively affirmed that the remark never was made; for it is said that an important word is omitted which wholly changes the sense; and that Walpole only said, in reference to certain factious or profligate adversaries, and their adherents resembling themselves, "all *these* men have their price."† His general tone of sarcasm, when speaking of patriotism and political gratitude, and others of the more fleeting virtues, is well known. "Patriots," he said, "are easily raised: I have myself made many a one. 'Tis but to refuse an unreasonable demand, and up springs a patriot." So the gratitude of political men he defined to be "a lively sense of favours to come." The opinion of

* Some notion of the free use made in those days of the current coin as a political agent, may be gathered from the fact which Shippen himself related to the celebrated Dr. Middleton. The Prince of Wales, to testify his satisfaction with a speech which the sturdy old Jacobite had made, sent him 1000*l.* by General Churchill, Groom of his Bedchamber. Shippen refused it. That Walpole himself had known of similar attempts made on Shippen's virtue by the Hanoverian party, is pretty evident from his well-known saying respecting that honest man—"I won't say who is corrupt, but who is not corruptible I will say, and that is Mr. Shippen."

† Coxe's Life of Walpole, vol. i. p. 757.

mankind which such speeches as these imported made Pope say,—

> "Would he oblige me? Let me only find
> He does not think me what he thinks mankind."

But if it is certain that his low estimate of public virtue, always openly, perhaps too openly, expressed, tended to lower men's estimate of his own, by making them suppose that he was likely to act upon his notions of those he had to deal with, it is at least equally clear, that the question more fit to be asked before we condemn him of exaggerated misanthropy, is,—Whether or not he very greatly erred in the mean opinion of others which he had formed? No one who has been long the dispenser of patronage among large bodies of his fellow-citizens can fail to see infinitely more numerous instances of sordid, selfish, greedy, ungrateful conduct, than of the virtues to which such hateful qualities stand opposed. Daily examples come before him of the most unfeeling acrimony towards competitors,—the most far-fetched squeamish jealousy of all conflicting claims—unblushing falsehood in both its branches, boasting and detraction—grasping selfishness in both kinds, greedy pursuit of men's own bread, and cold calculating upon others' blood—the fury of disappointment when that has not been done which it was impossible to do—swift oblivion of all that has been granted—unreasonable expectation of more, only because much has been given—not seldom favours repaid with hatred and ill treatment, as if by this unnatural course the account might be settled between gratitude and pride—such are the secrets of the human heart which power soon discloses to its possessor: add to these, that which, however, deceives no one—the never-ceasing hypocrisy of declaring, that whatever is most eagerly sought is only coveted as affording the means of serving the country, and will only be taken at the sacrifice of individual interest to the sense of public duty. And I desire to be understood here as speaking from my own official experience. It is not believed that in our own times men are at all worse than they were a century ago. Why then should we suppose that one who had been Prime Minister for twenty years, and in office five or six more, had arrived

at his notion of human nature from a misanthropical disposition rather than from his personal experience, a much larger one than I possessed?

But still more unjust is the inference which is drawn even from a supposition of exaggerated misanthropy, that because he thought less favourably of men than they deserved—therefore he had ministered to their corruptions and availed himself of their frailties. A far more rigorous test was applied to his conduct than any other minister's ever underwent. His whole proceedings were unsparingly attacked towards the close of his reign, by a motion personally directed against him, supported with the most acrimonious zeal, and preceded by the minutest inquiry into all his weak points. In the House, while he was present to meet the charge of corruption, none was made; after he had ceased to rule, and had left the Commons, a committee sat for weeks to investigate his conduct. The result of the inquiry was the charge already adverted to; and a futile statement of his having offered a place to the mayor of a borough, and a living to that magistrate's brother, in order to influence an election. In the great debate on Sandys's motion, a proud testimony to his pure administration of one most important branch of the public service was borne by Sir C. Wager, the First Lord of the Admiralty, who declared that, during the nine years in which he had presided over the Navy, Sir Robert had never once recommended any one for promotion; adding, that had he done so, he, the Admiral, would have thrown up his employments. It may well be doubted if all the successors, either at the Treasury or the Admiralty, have been equally pure in their high offices. Undue interference with men's parliamentary conduct, by removing those who had voted against him, was of course charged upon him and hardly denied; but it is a proceeding for which ministers are as often praised as blamed; it is accounted the use of legitimate influence to support the government. He loudly denied that ever a threat had been employed by him to deter men from voting according to their conscientious opinions; and when all were challenged to convict him of such a course, none stood forward to accuse.

Having cleared away the ground from the entanglements

with which contemporary prejudices and interests had encumbered it, we may now the more distinctly perceive the merits of this great statesman: and we shall easily admit that he was one of the ablest, wisest, safest rulers who ever bore sway in this country. Inferior to many in qualities that dazzle the multitude, and undervaluing the mere outward accomplishments of English statesmanship, nay, accounting them merits only so far as they conduced to parliamentary and to popular influence—and even much undervaluing their effects in that direction—Walpole yet ranks in the very highest class of those whose unvarying prudence, clear apprehension, fertility of resources to meet unexpected difficulties, firmness of purpose, just and not seemingly exaggerated self-confidence, point them out by common consent as the men qualified to guide the course of human affairs, to ward off public dangers, and to watch over the peace of empires.* His knowledge was sound and practical; it was, like all his other qualities, for use and not for ornament; yet he lacked nothing of the information which in his day formed the provision of the politician. With men his acquaintance was extensive, and it was profound. His severe judgments, the somewhat misanthropic bias to which reference has been made, never misled him; it only put him on his guard; and it may safely be affirmed that no man ever made fewer mistakes in his intercourse with either adversaries, or friends, or the indifferent world.

From these great qualities it resulted, that a better or a more successful minister could not preside over any country in times of peace; and, if we are unable to conjecture how far his sagacity, his boldness, his prudent circumspection, his quickness of apprehension, would have sufficed to make him as great a war minister, we have to thank his wise and virtuous policy, which, steadfast in desiring peace, and his matchless skill, which, in the most difficult circumstances, happily secured the execution of his grand purpose, have left us only to conjecture what the last of national calamities could alone have proved. Nor had he ordinary circumstances or ordinary men to contend against, in the

* It is gratifying to me that I can conscientiously rank Lord Melbourne among those to whom this description applies in most of its essential points. His faults belong to others; his merits are his own.

undeviating pursuit of peace, which made his course so truly useful and so really brilliant. The impatience of France to recover her power and her military reputation, dimmed by the wars of William and of Anne; the Spanish politics, complicated beyond their usual degree of entanglement; Austria, alternately exposed to danger of being conquered, and putting the balance of power in Europe to hazard by her ambition and her intrigues, never perhaps active or formidable at any other period of her history; Prussia, rising into powerful influence, and menacing Germany with conquest; the great capacity of the Regent Orleans, his inexhaustible resources of address, his manly courage, his profligate character; the habitual insincerity and deep cunning of Fleury, whose pacific disposition, nevertheless, made him Walpole's natural ally—such were the difficulties and the adversaries among which he had to steer the vessel committed to his care; while he had to thwart his councils at home, the King, first the father, and then the son, constantly bent upon projects of ambition, reckoning conquest the only occupation worthy of princes, war their natural element, and peace an atmosphere in which they can scarcely breathe. It may be added to this, and it forms a higher eulogy still of this great statesman, that beside the opposition to his wise and virtuous policy which he encountered among courtiers and colleagues, often misled by the public impatience, not seldom taking their tone from the Sovereign, an opposition even broke out publicly in high and unexpected quarters; for the Chancellor himself, on one occasion, made a warlike harangue on quitting the woolsack to address the Lords.* A constant feeling of national pride and national prejudice was operating against France, in hatred or jealousy of French alliance, in dislike even of peace itself. The deep-rooted prejudices of the English people never set in more strongly against their French neighbours than during Walpole's administration. One-half the country, albeit friendly to the Pretender, hated them because they were French; the other half, both because they

* When Lord Hardwicke, carried away by the national enthusiasm beyond his accustomed moderation and even gentleness of speech, was declaiming with vehemence on the Spanish depredations in 1739, Walpole, standing on the throne, said to those near him, "Bravo, Colonel Yorke! bravo!"

were French, and because they were adverse to the Hanoverian settlement. The soreness felt ever since the interests of the country and all the fruits of her most glorious actions had been sacrificed at Utrecht, continued to gall the nation, and make it desirous of regaining by arms the footing which politics had lost; and during the long administration of Walpole there hardly passed a year in which the public eye was not jealously pointed to some quarter of the world, remote or near, as offering a reason why the public voice should be raised for war. It was this general tide of public opinion, as well as the under current of royal and courtly inclination, that Walpole had to stem for many a long year. He did stem it; gallantly he kept the vessel to her course; and he was not driven from the helm by the combined clamours of the mob and the intrigues of party, until after he had secured for all the great interests committed to his charge—the incalculable blessing of an unexampled repose.

If after so long a struggle he at length gave way, it must be remembered that the whole country was with the King and the Court determined upon the Spanish war—one of the greatest blots in English history. Walpole's opposition to it was strenuous, and it was unavailing. He tendered his resignation to the King, and the King refused to accept it, passionately asking his minister "Whether he would desert him at his greatest need?" He then laid his commands on him to remain, and unluckily for his reputation Walpole obeyed. Had he persisted in resigning, he might not have been able to prevent the catastrophe, but he would have saved himself from the reproach of superintending councils which he no longer directed; he would have been spared four years of continued mortifications; and his name would have remained to all posterity without a shade to dim its lustre.

That he had at all times, in the conduct of foreign affairs, fearlessly counselled the Crown, and without the least regard to personal feelings, spoken out like a man the whole truth in the closet, where such sounds so seldom are echoed from the walls, no doubt whatever exists.

Early in George I.'s reign he resisted vigorously his pressing desire for measures against Prussia, on account of

a Mecklenburg quarrel, in which the Elector of Hanover took a very vehement part: he absolutely refused him money too, and was reproached by the King for breach of his promise. His answer was, though respectful, yet firm, and it was sincere. He would not dispute, he said, the assertion of his Majesty; but if he had ever made such a promise, he was wholly unable to recollect it. To the rapacity of the German favourites he offered so firm a resistance that he was the abhorrence and detestation of them all, both men and women. When George was, five years after, bent upon opposing the Czar's attempts in favour of the Duke of Holstein's views upon the Swedish throne, Walpole plainly and firmly explained his views, refused the sum demanded, and so impressed the King with the wisdom of his pacific policy, that he joined him against all his other ministers, both English and German.—With George II. he held the same honest, independent course; insomuch that at one time the King's displeasure rose to the height of making it impossible for Queen Caroline, his steady supporter, to defend, or even name him in her husband's presence. Her only means of assuaging the Royal anger was to ascribe the minister's peaceful, or, as the King termed it, unworthy and feeble policy, to his brother Horace's influence over his mind on all foreign matters. His remonstrance against "the petty Germanic schemes" of that prince were unremitting; and once he had the courage to tell him how much "the welfare of his own dominions and the happiness of Europe depended on his being a great king rather than a considerable elector!" If such a speech was likely to be little palatable to his Electoral Highness, still less pleasing must have been the remark which the same honest minister ventured to make on one of the many occasions when the implacable hatred of the House of Brunswick towards that of Brandenburg broke out. "Will your Majesty engage in an enterprise which must prove both disgraceful and disadvantageous? Why, Hanover will be no more than a breakfast to the Prussian army."*

* The only serious objection ever urged against Sir Robert's foreign policy, his suffering the Emperor (Charles VI.) to encounter much hazard from Spain and France rather than actively aid him in his measures, and

In commemorating the inestimable service which Walpole's pacific policy rendered to his country and the world, strict justice required us to enumerate the obstacles which were offered to his wise and honest course. The other great service which he rendered to his country, was the securing of the Protestant succession;—invaluable, not merely as excluding the plague of the Romish hierarchy and Romish superstition, but as perpetuating the settlement of the Revolution, by which the right of the people to discard their rulers, and to choose such as will protect, not destroy, their liberties, was recognized and acted upon. Then Walpole had to struggle, not only against the intrigues of the exiled family, sometimes openly, always secretly, favoured by France, but against a majority of the landed interest in England, perhaps in Scotland, certainly in Ireland—a majority in number as well as in value of the whole people. The accession of George I. had added to the weight of the Stuart faction all those whom that prince excluded from his favour, by the policy which he from the first pursued of placing himself at the head of a party. The appearance among us of a foreigner to exercise all the functions of royalty, cooled the loyalty of some natural friends, while it converted many indifferent persons into enemies. Above all, the inroad of a foreign court, foreign mistresses, foreign favourites, all insatiable of English gold as soon as they reached the land of promise, created a degree of discontent, and even of disgust, which mightily increased the prevailing tendency to regret the sway of a native family. In this state of things did Walpole prove himself a match for the extreme difficulties of his position. Through his universal and accurate intelligence, he was constantly aware of every design that was plotting in every corner of Europe, from Stockholm to Naples, by the restless intrigues of the exiled family—aware of them long before they had time for ripening into

thus raising France at Austria's expense, has long since faded from the memory of all reflecting men, as a wholly groundless charge. In fact, although Charles was so incensed at our conduct respecting the guarantee of the Pragmatic Sanction, as at times to be in a state of mental derangement, it is certain that by no other course could war with France, and a general war in Europe, have been avoided.

mischief—aware of them, generally speaking, from the very first movement in any of their most secret councils. There was not, too, a family in the British dominions whose leanings he was not acquainted with, and whose relations, with the Pretender, if they had any, he did not know. This knowledge he used without ever abusing it: he acted upon it for the safety of the State, without ever once bringing it to bear against the parties, or deriving from it the means of injuring, or of annoying, or of humbling his adversaries. The fact is well known, that he was possessed of proofs which would have ruined more than one of them. Shippen, among others, knew he was in his antagonist's power; but that antagonist never prevented him from honestly pursuing the course of his violent and indeed very factious opposition. It must be further observed, in honour of Walpole's wisdom and firmness, that when the Protestant succession was endangered by foreign movements on the part of the Pretender, his all but invincible repugnance to warlike measures gave way to a provident spirit of wary precaution; and he at once, both in his foreign negotiations with Holland and Germany, and in his vigorous preparations for war with France, showed his resolute determination to defend at all hazards the Revolution Settlement, and to punish those who would molest it.

The financial administration of Walpole has been deservedly commended by all but the zealots of a faction. Every one has admitted the great improvements which he introduced into that department. A single measure by which he repealed above a hundred export duties, and nearly forty on imported articles, was only part of his system; which was clearly before his age, and therefore exposed him to the usual clamour raised against original thinkers on state affairs. He held that raw commodities for manufactures, and articles of necessity for consumption, should be relieved from all taxes; that the impost upon land should be reduced as far as possible; that the revenue collected from the customs, being liable to evasions by contraband trade, should be transferred to the excise; and that articles of luxury should thus be more securely and economically made to bear the burdens of the public ex-

penditure. Every one knows the clamour which the great measure of the excise, the principal illustration of his doctrine, encountered. His reason for relinquishing it is not discreditable to him. He had carried it by majorities always decreasing; and, when finally the majority was under twenty, he gave it up on ascertaining that the people were so generally set against it, that the aid of troops would be required to collect it. "No revenue," said this constitutional minister, "ought to be levied in this free country that it requires the sabre and the bayonet to collect." A learned and eminently narrow-minded man, hating Walpole for his Revolution principles, has not scrupled to record his own factious folly in the definition of *Excise* given in his dictionary. Another, a greater, a more factious, and a less honest man, helped, and much less impotently helped, to clamour down the only other part of Walpole's domestic administration which has ever been made the subject of open attack; though doubtless the extinction of Jacobitism was the real, but hidden, object of all these invectives:—I mean Dean Swift, whose promotion in the church he had prevented, upon discovering the most glaring acts of base perfidy on the part of that unprincipled wit; and whose revenge was taken against the provision made, rather by Walpole's predecessors than himself, for supplying a copper coinage to Ireland, upon terms to the trader perfectly fair, and to the country sufficiently advantageous. The '*Drapier's Letters*,' one of his most famous productions, and by far his most popular, the act of his life, he was accustomed to confess, upon which rested his whole Irish popularity—and no name ever retained its estimation in the mind of the Irish people nearly so long—urged his countrymen to reject these halfpence; it being, the very reverend author solemnly asserted, "their first duty to God next to the salvation of their souls;" and he asserted, impudently asserted, that the coin was only worth a twelfth of its nominal value. Impudently, I repeat, and why?—Because a careful assay was immediately made at the English mint, by the Master of the Mint, and the result was to ascertain that the standard weight was justly proved. And who was that Master? None other than Sir Isaac Newton. The calumnies and the ribaldry of the Dean prevailed over the

experiments of the illustrious philosopher, and the coinage was withdrawn from circulation.*

The private character of Walpole is familiarly known; and all contemporary writers join in giving the same impression of it. Open, honest, unaffected, abounding in kindness, overflowing with good-humour, generous to profusion, hospitable to a fault, in his manners easy to excess —no wonder that the ruler of the country should have won all hearts, by qualities which would have made a private gentleman the darling of society. With these merits, however, were joined defects or weaknesses, that broke in somewhat upon the respect which severe judges require a great statesman to be compassed with round about. His mirth was somewhat free, and apt to be coarse; he patronized boisterous hilarity in the society which he frequented, and at the merry meetings which were the relaxation of his life. He regarded not the decorum which sober habits sustain; and he followed, in respect of convivial enjoyments, rather the fashion of his own day than of ours. He indulged, too, in gallantry more than beseemed either his station or his years; and he had, like a celebrated contemporary† of his, the weakness of affecting to be less strictly virtuous in this respect than he was, and considerably more successful in his pursuit of such recreations. This mixture of honest openness and scorn of hypocrisy, with some little tendency to boast of fortune's favours, made the only trait like an exception to the wholly plain and unaffected nature of the man. Nor is it easy to define with accuracy how much was affectation, and how much ought to be set down to the account of a merely joyous and frank temper. The delight which all persons, of whatever age or cast, took in his society, is admitted by every witness.

Of Sir Robert Walpole's character as an orator, or rather a great master of debate, it is of course at this distance of time, and with so little help from the parliamentary history

* An Irish writer of incoherent mathematical papers in our own day attacks Sir Isaac Newton as a "Saxon," and a "driveller;" and he is not treated in Ireland with universal scorn.

† Louis XIV., when some one was recounting his nephew the Duc d'Orléans's (afterwards Regent's) foibles and vices, said, in language much eulogized by St. Simon, who relates the anecdote,—"Encore est-il fanfaron de vices qu'il n'a point."

of the day, not easy to speak with confidence or discrimination; because we must rely on the estimate formed by others, and handed down to us, with few indeed of the materials on which their judgment rested. That he despised not only all affectation and all refinements, but all the resources of the oratorical art beyond its great "origin and fountain," strong sense, clear ideas, anxious devotion to the object in view, carrying the audience along with the speaker, —may well be supposed from the manly and plain, the homely and somewhat coarse, character of his understanding. Eminently a man of business, he came down to Parliament to do the business of the country, and he did it. He excelled in lucid statement, whether of an argument or of facts; he met his antagonist fearlessly, and went through every part of the question; he was abundantly ready at reply and at retort; he constantly preserved his temper, was even well-natured and gay in the midst of all his difficulties; and possessed his constitutional good-humour, with his unvaried presence of mind, in the thickest fire of the debate, be it ever so vehement, ever so personal, as entirely as if he were in his office, or his study, or the common circle of his friends. He was, too, a lively, and not ever a tiresome, speaker; nor did any man, hardly Lord North himself, more fully enjoy the position — to any debater very enviable, to a minister the most enviable of all —that of a constant favourite with the House which it was his vocation to lead. Such is the general account left us of his speaking, and on this all witnesses are agreed.

It may be added, that his style was homely, for the most part; and his manner, though animated and lively, yet by no means affecting dignity. In figures of speech he but rarely indulged, though his language seems to have been often distinguished by point. His personal retorts, though hardly ever offensive, were often distinguished by much force of invective and considerable felicity of sarcasm. His description of the factious and motley opposition, moved by the dark intrigues of Bolingbroke, and his portrait of that wily and subtle adversary, appears to have been a passage of great merit, as far as the conception went; for of the execution we cannot in fairness permit ourselves to judge from the only record of it which is preserved, the meagre

parliamentary remains of those days. The excellence of this celebrated speech, which eventually drove Bolingbroke abroad, is greatly enhanced by the important circumstance of its being an unpremeditated reply to a very elaborate attack upon himself, in which Sir William Windham had feigned a case applicable to Walpole's, and under that cover drawn a severe portrait of him.

Notwithstanding the general plainness and simplicity of his style, some speeches remain distinguished by a highly ornamental and even figurative manner; that, for example, in opposition to the Peerage Bill, in which he spoke of the antients having erected the temple of honour behind the temple of virtue, to show by what avenues it must be approached; whereas we were called upon to provide that its only avenue should be an obscure family pedigree, or the winding-sheet of some worthless ancestor. Some idea of his more animated and successful efforts may be formed, and it is a very high one, from the admirable exordium of his speech in reply to the long series of attacks upon him which Sandys's motion for his removal, in 1741, introduced. There remain of this speech only his own minutes, yet even from these its great merits appear clear. "Whatever is the conduct of England, I am equally arraigned. If we maintain ourselves in peace, and seek no share in foreign transactions, we are reproached with tameness and pusillanimity. If we interfere in disputes, we are called Don Quixotes and dupes to all the world. If we contract (give) guarantees, it is asked why the nation is wantonly burdened. If guarantees are declined, we are reproached with having no allies."

In general, his manner was simple, and even familiar, with a constant tendency towards gaiety. But of this his finest speech it is recorded, that the delivery was most fascinating, and of a dignity rarely surpassed. In vehemence of declamation he seldom indulged, and anything very violent was foreign to his habits at all times. Yet sometimes he deviated from this course; and once spoke under such excitement (on the motion respecting Lord Cadogan's conduct, 1717) that the blood burst from his nose, and he had to quit the House. But for this accidental relief, he probably would have afforded a singular instance of a speaker, always good-humoured and easy in his delivery

beyond almost any other, dropping down dead in his declamation, from excess of vehemence: and at this time he was between forty and fifty years of age.

II.

LORD BOLINGBROKE.

FEW men whose public life was so short, have filled a greater space in the eyes of the world during his own times than Lord Bolingbroke, or left behind them a more brilliant reputation. Not more than fifteen years elapsed between his first coming into Parliament and his attainder; during not more than ten of these years was he brought forward in the course of its proceedings; and yet as a statesman and an orator his name ranks among the most famous in our history, independently of the brilliant literary reputation which places him among the first classics of what we generally, but erroneously, call our Augustan age. Much of his rhetorical fame may certainly be ascribed to the merit of his written works; but had he never composed a page, he would still have come down to our times as one of the most able and eloquent men of whom this country ever could boast. As it is upon his eloquence that his great reputation now rests, as upon that mainly was built his political influence, and as upon it alone any commendation of his political character must proceed, we shall do well to begin by examining the foundation before we look at the superstructure.

And here the defect, so often to be deplored in contemplating the history of modern oratory, attains its very height. Meagre as are the materials by which we can aim at forming to ourselves some idea of the eloquence of most men who flourished before our own day; scanty as are the remains even of the speakers who figured during the Seven Years' War, and the earlier part of the American contest; when we go back to the administration of Walpole, we find those vestiges to be yet more thinly scattered over the pages of our history; and in Queen Anne's time, during which alone Bolingbroke spoke, there are absolutely none. It is correct to affirm that of this great orator—one of the

very greatest, according to all contemporary history, that ever exercised the art,—and these accounts are powerfully supported by his writings—not a spoken sentence remains, any more than of the speeches of Demades,* one of the most eloquent of the Greeks, any more than of Cicero's translation from Demosthenes, or the lost works of Livy and of Tacitus. The contemplation of this chasm it was that made Mr. Pitt, when musing upon its brink, and calling to mind all that might be fancied of the orator from the author, and all that traditional testimony had handed down to us, sigh after a "speech of Bolingbroke,"—desiderating it far more than the restoration of all that has perished of the treasures of the ancient world.

But, although we may well join in these unavailing regrets, attempt vainly to supply the want by our conjectures, and confess our ignorance of the peculiar character of his oratory, the fact of its mighty power is involved in no doubt at all. The concurring testimony of all parties leaves this a matter absolutely certain. The friends and supporters of Walpole, to whom his whole life was hostile, all his acts, his speeches, and his writings, are here agreed with the friends, the associates of Bolingbroke; and no diversity of shade marks the pictures which have come down to us from the hand of the antagonist and of the panegyrist. His most intimate companion, Dean Swift, may be suspected of partiality when he represents him as "having in his hands half the business of the nation, and the applause of the whole;" but when he tells us that "understanding men of both parties asserted he had never been equalled in speaking," and that he had "an invincible eloquence, with a most agreeable elocution," we can find no fault with the exaggeration, for this account falls short of what others have told. In truth, his impression upon the men of his own age may well be conceived to have been prodigious, when we reflect that hardly any English orator can now be cited as having flourished before his time. This circumstance might even detract from the weight of contemporary testimony in his favour, if we had not more specific reasons

* The fragment given in some *codices* as his appears of more than doubtful authenticity. The finest portion is taken from a very-well known passage in Demosthenes.

for believing implicitly in it than the mere concurrence of general reputation.

He had received at Eton a complete classical education; rather, let us say, had laid there the foundation of one, which, like all others who have shone as scholars, he afterwards completed. But his attention was more bestowed upon the remains of Rome than of Athens; he was extensively and thoroughly acquainted with Latin writers, as indeed his frequent quotation of passages little known may show. With Greek literature he seems not to have been familiar; nor can the reader of his own works fail to perceive, that his style is not so redolent of the flowers which grew in the more rigorous climate of the Attic school. With the authors of the age immediately preceding his own—the true Augustan age of English letters—he was well acquainted; and, although his style is quite his own, none being more original, it is impossible to doubt that he had much studied and much admired (as who can stint himself in admiring?) the matchless prose of Dryden—rich, various, natural, animated, pointed, lending itself to the logical and the narrative, as well as the pathetic and the picturesque, never baulking, never cloying, never wearying. To the literature of ancient and modern times he added a consummate knowledge of their history, and indeed appears of this to have made his principal study; for of natural science he was no professor, and his metaphysical writings have gained but little fame. Yet, that he was a profound moralist, had thoroughly studied the sources of human action, was well acquainted with the nature and habits of the mind, and had an understanding adapted by its natural acuteness to take part in the most subtle discussions, as well as habituated to them by study, it would be absurd to doubt, merely because his metaphysical speculations have been unsuccessful, as it would be the height of unworthy prejudice to deny it, merely because his opinions are tinged with scepticism, and because an unhappy veil of infidelity darkened his life, while it shrouded his posthumous works. They who look down upon even the purely ethical and purely metaphysical writings of Bolingbroke would do well to show us any statesman or any orator, except perhaps Cicero, who in any age has

brought to the senate the same resources of moral science which even the failures of Bolingbroke as a professed author on these subjects prove him to have possessed; and it is hardly necessary to remark how vast an accession of force to his eloquence, whether in its argumentative, its pathetic, or its declamatory department, would have been gained by even far less skill, capacity, or practice, than he had as a moral philosopher, a student of the nature of the mind, or an expert logician.

Accordingly, when all these accomplishments, joined to his strong natural sagacity, his penetrating acuteness, his extraordinary quickness of apprehension, a clearness of understanding against which sophistry set itself up in vain, as the difficulties of the most complicated subject in vain opposed his industry and his courage; with a fancy rich, lively, various beyond that of most men, a wit exuberant and sparkling, a vehemence of passion belonging to his whole temperament, even to his physical powers—came to be displayed before the assembly which he was to address; and when the mighty "*Armamentaria Cœli*" were found under the command of one whose rich endowments of mind, and whose ample stores of acquired virtue, resided in a person of singular grace, animated a countenance at once beautiful and expressive, and made themselves heard in the strains of an unrivalled voice,—it is easy to comprehend how vast, how irresistible must have been their impression. That is easy; but unhappily all we can now obtain is the apprehension that it must have been prodigious, without being able ourselves to penetrate the veil that hides it, or to form any very distinct notion of its peculiar kind. For the purpose of approximating to this knowledge, it is necessary that we should now consider the style of his written discourse; because, although in general the difference is great between the same man's writings and his oratory (witness the memorable example of Mr. Fox, who, however, increased the diversity by writing on a system, and a bad one)—yet in some this difference is much less than in others, and there seems abundant reason to believe that in Bolingbroke's case it was as inconsiderable as in any other.

If we inquire on what models Bolingbroke formed his style; the result will be, the case of all other great men

and original writers, that he was rather imbued with the general taste and relish of former authors than imitated any of them. That he had filled his mind with the mighty exemplars of antiquity is certain—for, though of Greek he had small store, with the Latin classics he was familiar, and habitually so, as his allusions and his quotations constantly show. As might be supposed in one of his strong sense, knowledge of man and of men, as well as free habits, Horace seems to have been his favourite; but the historians also are plainly of his intimate society. Among modern authors he appears to have had Dryden's prose, and the admirable composition of Shaftesbury, most in his mind. The resemblance of manner may indeed be frequently found with these excellent models—of whom the former, with Bolingbroke himself, may perhaps be admitted to stand at the head of all our great masters of diction. But though in vigour, in freedom, occasionally in rhythm also, in variety that never palls nor ever distracts from the subject, in copiousness that speaks an exhaustless fountain for its source, nothing can surpass Dryden; yet must it be confessed that Bolingbroke is more terse, more condensed where closeness is required, more epigrammatic, and of the highest order of epigram, which has its point not in the words but the thoughts; and when, even in the thoughts, it is so subdued as to be minister of the composer, and not his master—helping the explication, or the argument, or the invective, without appearing to be the main purpose of the composition. In another and a material respect he also greatly excels Dryden; there is nothing slovenly in any part of his writings; he always respects his reader, his subject, and himself, too much to throw out matter in a crude and half-finished form, at least as far as diction is concerned: for the structure of his works is anything rather than finished and systematic, Even his tract 'On Parties,' which he calls a *Dissertation*, though certainly his most elaborate work, perhaps also the most admirably written, has as little of an orderly methodical exposition of principles, or statement of reasonings, as can well be imagined. It is a series of letters addressed to a political paper, abounding in acute, sagacious, often profound reflections, with forcible arguments, much happy

illustration, constant references to history, many attacks upon existing parties; but nothing can be less like what we commonly term a Dissertation. The same remark applies to almost all his writings. He is clear, strong, copious; he is never methodical; the subject is attacked in various ways; it is taken up by the first end that presents itself, and it is handled skilfully, earnestly, and strikingly, in many of its parts; it cannot be said to be thoroughly gone through, though it be powerfully gone into; in short, it is discussed as if a speaker of great power rather than a writer, were engaged upon it; and accordingly nothing can be more clear than that Bolingbroke's works convey to us the idea of a prodigious orator rather than of a very great and regular writer. When Mr. Burke asked, "Who now reads Bolingbroke?" he paved the way for another equally natural exclamation, "What would we not give to hear him?" and this was Mr. Pitt's opinion, when, as has already been observed, the question being raised in conversation about the *desiderata* most to be lamented, and one said the lost books of Livy, another those of Tacitus, a third a Latin tragedy—he at once declared for "A Speech of Bolingbroke." Nor is it the method—rather the want of method—the easy and natural order in which the topics follow one another, not taken up on a plan, but each, as it were, growing out of its immediate predecessor, that makes his writings so closely resemble spoken compositions. The diction is most eminently that of oratorical works. It is bold, rapid, animated, natural, and racy, yet pointed and correct, bearing the closest scrutiny of the critic, when submitted to the eye in the hour of calm judgment; but admirably calculated to fill the ear, and carry away the feelings in the moment of excitement. If Bolingbroke spoke as he wrote, he must have been the greatest of modern orators, as far as composition goes; for he has the raciness and spirit, occasionally even the fire, perhaps not the vehemence of Fox, with richer imagery, and far more correct diction; the accurate composition of Pitt, with infinitely more grace and variety; the copiousness, almost the learning, and occasionally the depth of Burke, without his wearily elaborate air; for his speech never degenerates for an instant into dissertation, which Burke scarcely ever avoids.

To characterize his manner of speaking from his writings would be difficult and tedious, if possible. There are in these, however, passages which plainly bear the impress of his extraordinary oratorical powers, and which, if spoken, must have produced an indescribable effect. Take a noble passage from the 'Dissertation on Parties:'—

"If King Charles had found the nation plunged in corruption; the people choosing their representatives for money, without any other regard; and these representatives of the people, as well as the nobility, reduced by luxury to beg the unhallowed alms of a court, or to receive, like miserable hirelings, the wages of iniquity from a minister; if he had found the nation, I say, in this condition (which extravagant supposition one cannot make without horror), he might have dishonoured her abroad, and impoverished and oppressed her at home, though he had been the weakest prince on earth, and his ministers the most odious and contemptible men that ever presumed to be ambitious. Our fathers might have fallen into circumstances which compose the quintessence of political misery. They might have sold their birthright for porridge which was their own. They might have been bubbled by the foolish, bullied by the fearful, and insulted by those whom they despised. They would have deserved to be slaves, and they might have been treated as such. When a free people crouch, like camels, to be loaded, the next at hand, no matter who, mounts them, and they soon feel the whip and the spur of their tyrant, whether prince or minister, who resembles the devil in many respects; particularly in this—he is often both the tempter and the tormentor. He makes the criminal, and he punishes the crime."

Another fine passage, admirably fitted for spoken eloquence by its rapidity, its point, its fulness of matter, each *hit* rising above the last, may be taken from the celebrated Dedication to Sir Robert Walpole:—

"Should a minister govern, in various instances of domestic and foreign management, ignorantly, weakly, or even wickedly, and yet pay this reverence and bear this regard to the constitution, he would deserve certainly much better quarter, and would meet with it too from every man of sense and honour, than a minister who should conduct the

administration with great ability and success, and should at the same time procure and abet, or even connive at, such indirect violations of the rules of the constitution, as tend to the destruction of it, or even at such evasions as tend to render it useless. A minister who had the ill qualities of both these, and the good ones of neither; who made his administration hateful in some respects, and despicable in others; who sought that security by ruining the constitution, which he had forfeited by dishonouring the government; who encouraged the profligate and seduced the unwary to concur with him in this design, by affecting to explode all public spirit, and to ridicule every form of our constitution; such a minister would be looked upon most justly as the shame and scourge of his country; sooner or later he would fall without pity, and it is hard to say what punishment would be proportionable to his crimes."

Lastly, take this instance of another kind, but alike fitted for the senate:—

"The flowers they gather at Billingsgate to adorn and entwine their productions, shall be passed over by me without any explication. They assume the privilege of watermen and oysterwomen: let them enjoy it in that good company, and exclusively of all other persons. They cause no scandal; they give no offence; they raise no sentiment but contempt in the breasts of those they attack: and it is to be hoped, for the honour of those whom they would be thought to defend, that they raise, by their low and dirty practice, no other sentiment in them. But there is another part of their proceedings which may be attributed by malicious people to you, and which deserves, for that reason alone, some place in this Dedication, as it might be some motive to the writing of it. When such authors grow scurrilous, it would be highly unjust to impute their scurrility to any prompter, because they have in themselves all that is necessary to constitute a scold—ill-manners, impudence, a foul mouth, and a fouler heart. But when they menace, they rise a note higher. They cannot do this in their own names. Men may be apt to conclude, therefore, that they do it in the name, as they affect to do it on the behalf, of the person in whose cause they desire to be thought retained."

The gracefulness of Bolingbroke's manner has been so greatly extolled by his contemporaries, that we can hardly believe his eloquence to have risen into the vehemence ascribed to it by one who had studied his works more than other men, for he had written an excellent imitation of his style. Mr. Burke speaks of that rapid torrent of "an impetuous and overbearing eloquence for which he is justly admired," as well as "the rich variety of his imagery."* There is assuredly nothing in his style to discountenance this notion; and, as Burke lived much nearer Bolingbroke's times than we do, there can be little doubt that his panegyric is correct. But all accounts agree in describing the external qualities (so to speak) of his oratory as perfect. A symmetrically beautiful and animated countenance, a noble and dignified person, a sonorous and flexible voice, action graceful and correct, though unstudied, gave his delivery an inexpressible charm with those who witnessed his extraordinary displays as spectators or critics; and armed his eloquence with resistless effect over those whom it was intended to sway, or persuade, or control. If the concurring accounts of witnesses, and the testimony to his merits borne by his writings, may be trusted, he must be pronounced to stand, upon the whole, at the head of modern orators. There may have been more measure and matured power in Pitt, more fire in the occasional bursts of Chatham, more unbridled vehemence, more intent reasoning in Fox, more deep-toned declamation in passages of Sheridan, more learned imagery in Burke, more wit and humour in Canning;† but, as a whole, and taking in all rhetorical gifts, and all the orator's accomplishments, no one, perhaps hardly the union of several of them, can

* Preface to the Vindication of Natural Society (*sub fine*).

† It is inconsistent with the plan of this work to treat of living speakers; and this imposes a restraint in illustrating by comparison. For who can fail to recollect that the utmost reach of eloquence has been attained by those who survive? Who can doubt that Lord Plunket will, in after times, be classed with the very greatest orators; and that his style, of the highest excellence, is also eminently original, entirely his own? It affords the most perfect study to those whom its perfection may not make despair. In confining the mention of Mr. Canning to wit and humour, it must be understood that we speak only of the thing defective in Bolingbroke, not as confining Mr. C.'s excellence to that department; he was a very considerable orator in other respects.

match what we are taught by tradition to admire in Bolingbroke's spoken eloquence, and what the study of his works makes us easily believe to be true.

In considering Bolingbroke's character, there is even less possibility than in ordinary cases of separating the politic from the natural capacity: less pretence for making the distinction, so often, and so incorrectly, and so mischievously made between that which is becoming or honest in political life, and that which is virtuous or pure in private. It is seldom, indeed, that the lax morality can be tolerated, or even understood, which relieves the general reputation of a man from the censure naturally descending upon it, by citing personal merit as a kind of set-off to political delinquency; seldom that there is any kind of sense in believing a man honest who has only betrayed his colleague, because he never cheated his friend; or in acquitting of knavery the statesman who has sacrificed his principles for preferment, merely because he has never taken a bribe to break some private trust, embezzled a ward's money, sold a daughter or a wife. Nothing can be more shadowy than such distinctions, nothing more arbitrary than such lines of demarcation. To say that a dishonest, or sordid, or treacherous politician may be a virtuous man, because he has never exposed himself to prosecution for fraud, or forgery, or theft, is near akin to the fantastical morality which should acquit a common offender of horse-stealing because he had never been charged with burglary. It must, however, be confessed, that as there are some cases of political offences much worse than others, so in these the impossibility of making such distinctions becomes more apparent; and both the kind and the amount of the crimes charged upon Bolingbroke seem to point him out as an instance in which all contrast between public and private character signally fails. If, then, we advert to his conduct under these two heads, it is only in order to treat of different kinds of delinquency, in separation and in succession.

He came into Parliament as a declared Tory; the ancient families from which he sprung, the St. Johns and the Ports, had ever been of that faith. In the ministry which the Queen formed during the latter years of her reign from

the members of that party, he held a conspicuous place; having been Secretary of State and a leading supporter, first in the Commons, then in the Lords. He began under Harley, and to Harley he devoted himself; to Harley he seemed firmly attached. Soon there broke out symptoms of jealousy: these occurred on the promotion of his chief to an earldom, while he only was made a viscount himself; the want of a blue ribband completed the philosopher's chagrin; the incapacity, real or fancied, of his former patron, called down the moralist's vengeance instead of exciting his compassion or claiming his help; and the latter part of his official life was passed in continually renewed and continually failing attempts to supplant and to ruin him. But we know the interior of the cabinet too little, are too superficially acquainted with personal details to be prepared for pronouncing a safe judgment upon the degree of blame which he thus earned: possibly he only shared it with the other arty; not impossibly the whole might be Harley's. Upon the schemes in which he was engaged for restoring the Stuarts, undoing the work of the Revotion exposing the civil and religious liberties of the country to the most imminent peril, and effecting this change through the horrors of civil war, possibly aggravated by foreign invasion, there can exist no doubt whatever. We shall first advert to the result of the evidence upon this head; and then consider his case, as made by himself, to see how far he can be said to stand acquitted even upon his own showing.

That some at least of the Queen's Tory ministers, and even the Queen herself, were desirous of restoring the exiled family, and setting aside the Act of Settlement extorted from the same party by King William, there can be no doubt. Bolingbroke always professed himself the fast friend of the Revolution, and cited his having helped to introduce the Act of Settlement in proof of it. But the coldness and the sluggishness of that proceeding, on the part of himself and the King's Tory ministers, is well known; nor does any one now doubt that they endeavoured to obstruct the bill in its progress, until the decease of the King should interrupt or supersede the measure. But Bolingbroke's denial of any design favourable to the

Pretender, until after his attainder and during his exile, was constant and peremptory. Nor did any probabilities the other way suffice to convince men how false his assertions were, until the publication of Marshal Berwick's 'Memoirs' at once disclosed the truth; and then we had a clear statement of his treason having commenced during the Queen's life-time—a statement under the hand of the very person through whom he has himself said that his communications to and from the Pretender uniformly passed, at the period when he confesses himself to have been engaged in the Stuart councils. There is an end, therefore, of his defence against the main body of the accusation, and it is ended by a witness to whose testimony he has precluded himself from objecting. But this is not all. His own conduct bears testimony against him as loudly as his own witness. Upon the Queen's demise, Harley, Ormond, and himself, being vehemently suspected of treasonable practices, were accused in Parliament constitutionally, legally, regularly, formally. What was the course pursued by the three? Harley, conscious of innocence, like a guiltless man remained, awaited his impeachment, faced his accusers, met his trial, and was unanimously acquitted. Nor does any one now believe, nor did any but they whom faction blinded then believe, that he had any share at all in the intrigue set on foot to restore the Stuarts. Ormond and Bolingbroke fled; they would not stand their trial. Now the former never denied his accession to the treasonable plot—never having indeed professed any favourable disposition towards the Revolution Settlement; the latter, though he pretended to deny his guilt, yet gave none but the most frivolous reasons to explain his flight. He could only say that so odious to him had his former friend, his original patron, become, that he could not think of submitting to be coupled or mixed up with him in any matter or in any manner. So that his hatred of another prevailed over his love of himself—his inveterate dislike of his neighbour over the natural desire of self-defence; his repugnance for an enemy made him reject life itself when the terms on which it was offered involved the act of taking the same precaution with his rival to secure his safety; and, rather than defend his honour, clear his character from the worst of accusations

in the way common to all men, and which one whom he disliked had, like all innocent men, pursued, he preferred wholly abandoning the defence of his reputation, and passing with all the world for a false traitor. It is not often that a guilty person can make an honest-looking defence; not seldom that the excuses offered by suspected culprits work their conviction. But never yet did any one, when charged with a crime, draw the noose around his own neck more fatally than Bolingbroke did, when he resorted to so wretched an explanation of the act, which, unexplained, was a confession—the flight from his accusers. If that act, standing alone, was fatal to the supposition of his innocence, the defence of it was, if possible, more effectual to his condemnation.

But his subsequent proceedings, and his own general defence of his whole conduct, are still more destructive of his fame. As soon as he fled, his attainder passed, and passed, be it observed, without a dissenting voice through both Houses—a circumstance demonstrative of the universal impression entertained of his guilt; and a thing which never could have happened to a man so lately minister, among his own supporters and his own party, upon any the lowest estimate of public virtue or political friendship, had a doubt existed regarding his conduct, or had he ventured even to deny the charges in private communications with his adherents. He arrived in France: without a day's delay he put himself in communication with the Pretender and his agents; and he at once accepted under him the office of his Secretary of State. Here then let us pause, and ask if this step was consistent with the charge against him being groundless. A statesman, professing inviolable attachment to the Revolution Settlement, is accused of treasonable correspondence with the exiled family; he flies, and because he has been, as he alleges, falsely accused of that offence, he immediately proceeds to commit it. Suppose he made the only feasible excuse for running away from his accusers —that the public prejudices against him were so strong as to deprive him of all chance of a fair trial—did he not know that all such prepossessions are in their nature, in the nature of the people, in the nature of truth and justice, temporary, and pass away? Then would not innocence, if acting under

the guidance of common sense and an ordinary knowledge of mankind, have waited, more or less patient, more or less tranquil, for the season of returning calm, when justice might be surely expected? But could anything be more inconsistent with all supposition of innocence than instantly to commit the offence in question, because there was a delay of justice, through the prevalence of popular prejudice? What would be said of any man's honesty who had fled from a charge of theft which he denied, and feared to meet, because supported by perjured witnesses, if he instantly took to the highway for his support? If, indeed, he says that the attainder gave him a right to take part against the government, then it must be observed that some months were allowed him by the act to return and take his trial, and that he never even waited to see whether, before the given time expired, men's minds should become so calm as to let him safely encounter the charge.

But another and a higher ground must be taken. Who can maintain that it is the part of an honest man, to say nothing of a patriotic statesman, to leave the party of his country, and go over to her enemies, the instant he has been maltreated, however grievously, however inexcusably by her—that is, by a party of his enemies who happen to guide her councils? Is it the part of public virtue—but is it the part of common honesty—to side with the enemy and war with our own country because she or her rulers have oppressed us after the abominable example of the unprincipled chiefs in the Greek republic? Then, if all men are agreed that this affords no justification for such treason, how much worse is his crime who would plunge his country into civil war, to wreak his vengeance on the faction that has oppressed and banished him? The Revolution Settlement had obtained Bolingbroke's deliberate approbation: no man has spoken more strongly in its favour; it was the guarantee, according to him, of both civil and religious liberty. Yet against this settlement he declares war—to subvert it he exerts all his powers, merely because the Whig party had maltreated himself, and created against him a prejudice he was afraid to face. Nay more—be the settlement the very best conceivable scheme of government or not, it was established, and could only be

upset by civil commotion, and probably required the aid of foreign invasion to overthrow it. To darken the face of his native land with those worst of all plagues was his desire, that he might take his revenge on his enemies, and trample upon them, when he should be raised to power under the restored dynasty of the bigoted and tyrannical Stuarts! This is not the charge made against Bolingbroke by his adversaries; it is not the sentence pronounced upon him by an impartial public; it is the case made for himself by himself, and it is as complete a confession of enormous guilt as ever man made. It further betokens a mind callous to all right feelings; and understanding perverted by the sophistries of selfish ingenuity; a heart in which the honest, with the amiable sentiments of our nature, have been extinguished by the habitual contemplations familiar to a low ambition.

From a man who could thus act in sharing the Pretender's fortunes, and could thus defend his conduct, little honesty could be expected to the party with which he had now ranged himself. The charge of having neglected the interests of the Pretender, and done less than he ought to further the rebellion in 1715, made against him by the thoughtless zeal, the gross ignorance, the foolish presumption of the Jacobites, and to which is almost entirely confined the defence of himself, in his celebrated, and for composition justly celebrated, 'Letter to Sir William Windham,' was plainly groundless. It was likely, indeed, to be groundless; for the interests of Bolingbroke, all the speculations of his ambition, all the revengeful passions of his nature, were enlisted to make him zealous in good earnest for the success of the rebellion; and to aid that enterprise, however much he might despair of it, he exerted his utmost resources of intrigue, of solicitation, of argument. But as soon as it had failed, the Pretender probably yielded to the misrepresentations of Bolingbroke's enemies, possibly lent an ear to the vulgar herd of detractors, who could not believe a man was in earnest to serve the Prince because he refused, like them, to shut his eyes against the truth, and believe their affairs flourishing when they were all but desperate. The intrigues of Lord Mar worked upon a mind so prepared; and advantage being taken of a coarse though

strong expression of disrespect towards the Prince, he was induced to dismiss by far his ablest supporter, and take that wily old Scotchman as his minister.

There was the usual amount of royal perfidy in the manner of his dismissal, and not much more. At night he squeezed his hand, and expressed his regard for the man whom in the morning he dismissed by a civil message requiring the seals of his office, and renewing his protestations of gratitude for his services, and of confidence in his attachment. Bolingbroke appears to have felt this deeply. He instantly left the party, and for ever; but he affects to say that he had previously taken the determination of retiring from all connexion with the service as soon as the attempt of 1715 should be made and should fail. Assuming this to be true, which it probably is not, he admits that his course was to depend, not on any merits of the Stuart cause, not on any view of British interests, not on any vain, childish, romantic notions of public duty and its dictates, but simply upon his own personal convenience, which was alone to be consulted, and which was to exact his retirement unless the dynasty were restored—which was, of course, to sanction his continuance in the service in the event of success crowning the Prince, and enabling Bolingbroke to be minister of England. But whatever might have been his intentions in the event of the Pretender retaining him as his Secretary of State, his dismissal produced an instantaneous effect. All regard for the cause which he had made his own was lost in the revenge for his deprivation of place under its chief; and he lost not a moment in reconciling himself with the party whom he had betrayed, and deserted, and opposed. To obtain an amnesty for the present, and the possibility of promotion hereafter, no professions of contrition were too humble, no promises of amendment too solemn, no display of zeal for the Government which he had done his utmost to destroy too extravagant. To a certain extent he was believed, because the Pretender's cause was now considered desperate, and Bolingbroke's interest coincided with the duty of performing his promise. To a certain extent, therefore, his suit was successful, and he was suffered to return home and resume his property with his rank; but the doors of Parliament and

office were kept closed against him, and the rest of his life was spent in unavailing regrets that he had ever left his country, and as unavailing rancour against the great and honest minister who had shown him mercy without being his dupe—who had allowed him to make England a dwelling-place once more, without letting him make it once more the sport of his unprincipled ambition.

Here, again, regarding his final abandonment of the Pretender, we have his own account, and on that alone we are condemning him. Because the Parliament of the Brunswicks attainted him when he confessed his guilt by his flight, he joined the standard of the Stuarts. It was covered with irremediable defeat, and he resolved to quit it. But meanwhile the master into whose service he came as a volunteer chose to take another minister: therefore Bolingbroke deserted him, and deserted him when his misfortunes were much more unquestionable than his ingratitude. The pivot of all his actions, by all that he urges in his own behalf, was his individual, private, personal interest. To this consideration all sense of principle was sacrificed, all obligation of duty subjected; whatever his revenge prompted, whatever his ambition recommended, that he deemed himself justified in doing, if not called upon to do.

Bolingbroke's 'Idea of a Patriot King' certainly differed exceedingly from his idea of a Patriot Subject. The duty of the former, according to him, required a constant sacrifice of his own interests to the good of his country; the duty of the latter he considered to be a constant sacrifice of his country to himself. The one was bound on no account ever to regard either his feelings or his tastes, the interests of his family, or the powers of his station; the other was justified in regarding his own gratification, whether of caprice, or revenge, or ambition, as the only object of his life. Between the ruler and his subjects there was in this view no kind of reciprocity; for all the life of self-sacrifice spent by the one was to be repaid by a life of undisturbed and undisguised self-seeking in the other. But if the guarantee which his system proposed to afford for the performance of the patriot king's duties, or for making patriots of kings, was somewhat scanty and precarious, not to say fantastical, ample security was held out for the

patriot citizen's part being well filled. The monarch was enticed to a right and moderate use of power by clothing him with prerogative, and trusting rather to that not being abused than to influence not being very extravagantly employed; the secret for moderating the love of dominion was to bestow it without any restraint; the protection given to the people against the prerogative of the prince was to deliver them over into his hands; the method proposed for putting the wolf out of conceit with blood was to throw the lamb to him bound. If this did not seem a very hopeful mode of attaining the object, a very likely way to realize the 'Idea of a Patriot King,' the plan for producing Patriot Citizens in unlimited supply was abundantly certain. Whatever defects the one scheme might disclose in the knowledge of human nature, whatever ignorance of human frailty, none whatever could be charged upon the other; for it appealed to the whole selfish feelings of the soul, made each man the judge of what was most virtuous for him to do, and to guide his judgment furnished him with a pleasing canon enough—he had only to follow his own inclinations whithersoever they might lead. Such was the system of Bolingbroke upon the relative duties of sovereigns and subjects—a system somewhat more symmetrically unfolded as regards the former; but, touching the latter, fully exemplified by his practice, and also plainly sketched by his writings composed in his own defence. For it must never be forgotten that he is not like most men who have gone astray by refusing to practise what they preach, or proving unequal to square their own conduct by the rules which in general they confess to be just. His conduct has been openly and deliberately vindicated by himself upon the ground that all he did, at least all he admitted himself to have done, he was justified in doing; and he has confessed himself to have acted in every particular with an undeviating regard to the pursuit of his own interests and the gratification of his own passions.

Of Bolingbroke's private life and personal qualities, as apart from his public and political, little needs be added. He who bore the part in affairs which we have been contemplating could not easily have been a man of strict integrity, or of high principle in any relation of life. There

may have been nothing mean or sordid in his nature; an honesty, seldom tried in persons of his station, may have been proof against the common temptations to which it was exposed; the honour which worldly men make their god may have found in him a submissive worshipper; but the more exalted and the nobler qualities of the soul were not likely to be displayed by one whose selfish propensities were gratified in public life at the cost of all that statesmen most regard in public character; and little reliance can be placed either on the humanity, or the self-control, or the self-respect of one whose passions are his masters, and hurry him on to gratification at all the hazards that virtue can encounter. Accordingly his youth was a course of unrestrained and habitual indulgence. In a libertine age he was marked as among the most licentious. Even his professed panegyrist, Dean Swift, makes no defence for this part of his life, and only ventures to suggest that he had lived long enough to regret and repent of it. Sir William Windham, too, fell into such courses, carried away by his example, and seduced by the charms of his society: and they who have written of him ascribe his early dissipation to the ascendant of such a Mentor. That he survived this tempest of the passions many years, and became more quiet in his demeanour during the calmness of his blood, is perhaps more the result of physical causes than any great eulogy of his returning virtue, or any manifestation of his penitence.

That his feelings, however, when left to their natural course, unperverted by evil associates, nor hurried by evil propensities, were kind and generous, there is sufficient proof. The marriage which in early youth he first contracted was one of accident and of family arrangement: like all such unions, it was attended with little happiness. The second wife was one of his choice: to her his demeanour was blameless, and he enjoyed much comfort in her society. His attachment to his friends was warm and zealous; and they cultivated and looked up to him with a fervour which can ill be expressed by such ordinary words as esteem, or respect, or even admiration. Yet even in this relation, the most attractive in which he appears to us, his proud temper got the better of his kinder nature; and he persecuted the

memory of Pope, whom living he had loved so well, with a rancour hardly to be palliated, certainly not to be vindicated, by the paltry trick to which that great poet and little man had lent himself, in an underhand publication of the manuscripts confided to his care.

His spirit was high and manly; his courage, personal and political, was without a stain. He had no sordid propensities; his faults were not mean or paltry; they were, both in his private life and his public, on a large scale, creating, for the most part, wonder or terror more than scorn or contempt—though his conduct towards the Pretender approached near an exception to this remark; and the restless impatience with which he bore his long exclusion from the great stage of public affairs, and the relentless vengeance with which he, in consequence of this exclusion, pursued Walpole as its cause, betokened anything rather than greatness of soul.

That the genius which he displayed in the senate, his wisdom, his address, his resources in council, should, when joined to fascinating manners and literary accomplishments, have made him shine in society without a rival, can easily be comprehended. So great an orator, so noble a person in figure and in demeanour, one so little under the dominion of the principle which makes men harsh, and the restraints which render their manners formal—was sure to captivate all superficial observers, and even to win the more precious applause of superior minds. To do that which he did so well naturally pleased him; to give delight was itself delightful; and he indulged in the more harmless relaxations of society long after he had ceased to be a partaker in the less reputable pleasures of polished life. He probably left as high a reputation behind him, among the contemporaries of his maturer years, for his social qualities, which remained by him to the last, as he had gained with those who remembered the eloquence that in his earlier days shook the senate, or the policy and intrigues that had also shaken the monarchy itself. The dreadful malady under which he long lingered, and at length sunk—a cancer in the face—he bore with exemplary fortitude, a fortitude drawn from the natural resources of his vigorous mind, and unhappily not aided by the consolations of any religion;

for, having early cast off the belief in revelation, he had substituted in its stead a dark and gloomy naturalism, which even rejected those glimmerings of hope as to futurity not untasted by the wiser of the heathens.*

Such was Bolingbroke, and as such he must be regarded by impartial posterity, after the virulence of party has long subsided, and the view is no more intercepted either by the rancour of political enmity or by the partiality of adherents, or by the fondness of friendship. Such, too, is Bolingbroke, when the gloss of trivial accomplishments is worn off by time, and the lustre of genius itself has faded beside the simple and transcendent light of virtue. The contemplation is not without its uses. The glare of talents and success is apt to obscure defects which are incomparably more mischievous than any intellectual powers can be either useful or admirable. Nor can a lasting renown—a renown that alone deserves to be courted by a rational being—ever be built upon any foundations save those which are laid in an honest heart and a firm purpose, both conspiring to work out the good of mankind. That renown will be as imperishable as it is pure.

* Lord Chesterfield, in one of his letters lately published by Lord Mahon (ii. 450), says, that Bolingbroke only doubted, and by no means rejected, a future state.

III.

LETTERS OF LADY LOUISA STUART AND LADY CHARLOTTE LINDSAY.

1.

THE kindness of a most accomplished and venerable person, the ornament of a former age, and fortunately still preserved to enlighten the present (1836), has permitted the insertion of the following interesting note:—

"A circumstance attended Lord Chatham's eloquent invective against our employment of the Indians in the American war, which we have not handed down to us along with it, but which could hardly fail to be noticed at the time. The very same thing had been done in the former war carried on in Canada by his authority and under his own immediate superintendence; the French had arrayed a tribe of these savage warriors against us, and we, without scruple, arrayed another against them. This he thought fit to deny in the most positive manner, although the ministers offered to produce documents written by himself that proved it from among the papers at the Secretary's office. A warm debate ensued, and at length, Lord Amherst, the General who had commanded our troops in that Canadian war, was so loudly appealed to on all sides, that it compelled him to rise, and, most unwillingly (for he greatly respected Lord Chatham), falter out a few words; enough, however, to acknowledge the fact—a fact admitted generally, and even assumed by the opposition lords who spoke afterwards. They seemed to lay the question quietly by as far as it concerned Lord Chatham's veracity, and only insisted upon the difference between the two wars—the one foreign, the other civil; arguing, also, that we might have been under some necessity of using retaliation, since the French certainly first began the prac-

tice so justly abhorred. The 'Annual Register' for 1777 states that Mr. Burke took the same course in the House of Commons.

"Upon hearing what had passed in the House of Lords, Lord Bute exclaimed with astonishment — 'Did Pitt really deny it?—Why, I have letters of his still by me, singing *Io Pæans* over the advantages we gained through our Indian allies.' Could what he thus said have been untrue, when it was almost a soliloquy spoken rather *before* than *to* his wife and daughters, the only persons present? The letters he mentioned were probably neither official nor confidential, but such common notes as might pass between him and Lord Chatham while still upon a footing of some intimacy.

"It must be observed that, in 1777, Lord Bute had long withdrawn from all political connexions, lived in great retirement, and had no intercourse whatever with the people then in power."

This venerable and amiable person, Lady Louisa Stuart, who long survived the publication of her letter, wrote the following verses in 1849, which would do much credit to any one, and are truly wonderful in one nearly in her ninetieth year. She had in former days, too, written verses of great beauty; but her repugnance to showing them was so difficult to overcome that very few were allowed to see them. Those now given are here inserted as not alien to the subject of some of the political discussions in this work:—

CALIFORNIA.

"Wealth may be bought too dear," said those of old,
Who yet distinguished not true wealth from gold,
Nor guessed, what now a wiser age opines,
That Spain was beggared by Potosi's mines,
And Europe quaked, as Mammon rose to pour
His torrents, lava-like, of Indian ore.
True wealth, endowed with no volcanic powers,
Sheds gentle dews and fertilizing showers:
Her's the fair gifts of Nature, linked with peace,
In the full barn and the abundant fleece;
In harvests, vintages, in herds and flocks;
She borrows nothing from Pandora's box;

To Mammon nor to Moloch makes a prayer,
Though both would fain call her their worshipper.
Oh! tell her not of California's strand;
Tempt not her sons to seek th' auriferous land;
But let them plough and reap, plant, prune, and gather,
Content with Albion's soil and Albion's weather.

1849.

2.

THE following very interesting letter is from the youngest and only surviving daughter of Lord North. All comment upon its merits or its value is superfluous:—

"MY DEAR LORD BROUGHAM,

"You mentioned to me the other night your intention of writing the character of my father, to be placed among some other characters of the statesmen of the last century, that you are preparing for the press, and at the same time stated the difficulty of describing a man of whom you had had no personal knowledge. This conversation has induced me to cast back my mind to the days of my childhood and early youth, that I may give you such impressions of my father's private life as those recollections will afford.

"Lord North was born in April, 1733; he was educated at Eton school, and then at Trinity College, Oxford; and he completed his academical studies with the reputation of being a very accomplished and elegant classical scholar. He then passed three years upon the Continent, residing successively in Germany, Italy, and France, and acquiring the languages of those countries, particularly of the last. He spoke French with great fluency and correctness; this acquirement, together with the observations he had made upon the men and manners of the countries he had visited, gave him what Madame de Staël called *l'esprit Européen*, and enabled him to be as agreeable a man in Paris, Naples, and Vienna as he was in London. Among the lighter accomplishments he acquired upon the Continent was that of dancing: I have been told that he danced the most graceful minuet of any young man of his day: this, I must own,

surprised me, who remember him only with a corpulent heavy figure, the movements of which were rendered more awkward and were impeded by his extreme near-sightedness before he became totally blind. In his youth, however, his figure was slight and slim; his face was always plain, but agreeable, owing to its habitual expression of cheerfulness and good humour; though it gave no indication of the brightness of his understanding.

"Soon after his return to England, at the age of twenty-three, he was married to Miss Speck, of Whitelackington Park, Somersetshire, a girl of sixteen; she was plain in her person, but had excellent good sense; and was blessed with singular mildness and placidity of temper. She was also not deficient in humour, and her conversational powers were by no means contemptible; but she, like the rest of the world, delighted in her husband's conversation, and being by nature shy and indolent, was contented to be a happy listener during his life, and after his death her spirits were too much broken down for her to care what she was. Whether they had been in love with each other when they married I don't know, but I am sure there never was a more happy union than theirs during the thirty-six years that it lasted. I never saw an unkind look, or heard an unkind word pass between them; his affectionate attachment to her was as unabated, as her love and admiration of him.

"Lord North came into office first, as one of the Lords of the Treasury, I believe, about the year 1763, and in 1765 he was appointed as one of the Joint Paymasters.* In 1769 he became Chancellor of the Exchequer, and some years after First Lord of the Treasury. He never would allow us to call him Prime Minister, saying, there was no such thing in the British Constitution. He continued in office thirteen years: during the three last he was most

* An anecdote is related of his Paymastership which will paint, though in homely colours, his habitual good humour. He was somewhat disappointed at finding he had a colleague who was to divide the emoluments of the office, which was then chiefly prized for its large perquisites. The day he took possession of the official house a dog had dirtied the hall, and Lord North, ringing for the servant, told him to be sure, in clearing the nastiness away, that he took half of it to his colleague, as it was a perquisite of the Joint office.

anxious to retire, but he suffered himself to be overcome by the earnest entreaties of George III. that he should remain. At length, the declining majorities in the House of Commons made it evident that there must be a change of ministry, and the King was obliged reluctantly to receive his resignation. This was a great relief to his mind; for, although I do not believe that my father ever entertained any doubt as to the justice of the American war, yet I am sure that he wished to have made peace three years before its termination. I perfectly recollect the satisfaction expressed by my mother and my elder sisters upon this occasion, and my own astonishment at it; being at that time a girl of eleven years old, and hearing in the nursery the lamentations of the women about 'My Lord's going out of power' (viz. the power of making their husbands tidewaiters), I thought going out of power must be a sad thing, and that all the family were crazy to rejoice at it!

"It is hardly necessary to say that Lord North was perfectly clean handed and pure in money matters, and that he left office a poorer man than when he came into it. His father being still living at that time, his income would have scantily provided for the education and maintenance of his six children, and for the support of his habitual, though unostentatious hospitality, but the office of Lord Warden of the Cinque Ports becoming vacant, the King conferred it upon him. His circumstances, by this means, became adequate to his wishes, as he had no expensive tastes, or love of splendour; but he was thoroughly liberal, and had great enjoyment in social intercourse, which even in those days was not to be had without expense. Lord North did not long continue out of office, the much criticized Coalition taking place the year following, 1783. The proverb says, 'Necessity acquaints us with strange bedfellows:' it is no less true that dislike of a third party reconciles adversaries. My eldest brother was a Whig by nature, and an enthusiastic admirer of Mr. Fox; he, together with Mr. Adam, and Mr. Eden (afterwards Lord Auckland), were, I believe, the chief promoters of the Coalition. My mother, I remember, was averse to it, not that she troubled her head with being a Tory or a Whig,

but she feared it would compromise her husband's political consistency. I do not pretend to give any opinion upon this subject, having been too young at the time to form any, and since I grew up I have always been too decided a Whig myself to be a fair judge. This ministry, in which Mr. Fox was at the head of the Foreign, Lord North of the Home Office, and the Duke of Portland of the Treasury, lasted but a few months: in 1784 Mr. Pitt began his long administration. My father, after he was out of office, attended Parliament, and sometimes spoke and voted, independent of the opinions of his new allies; but this made no difference in the cordiality of their friendship, which remained unimpaired to the end of his life.

"I will now attempt to give you my impressions of my father's style of conversation and character in private life. His wit was of the most genuine and playful kind; he related (*narroit*) remarkably well, and liked conversing upon literary subjects; yet so completely were all these ingredients mixed and amalgamated by good taste, that you would never have described him as a sayer of *bon mots*, or a teller of good stories, or as a man of literature, but as a most agreeable member of society and truly delightful companion. His manners were those of a high-bred gentleman, particularly easy and natural; indeed, good breeding was so marked a part of his character, that it would have been affectation in him to have been otherwise than well bred. With such good taste and good breeding, his raillery could not fail to be of the best sort—always amusing and never wounding. He was the least fastidious of men, possessing the happy art of extracting any good that there was to be extracted out of anybody. He never would let his children call people *bores;* and I remember the triumphant joy of the family, when, after a tedious visit from a very prosy and empty man, he exclaimed, 'Well, that man *is* an insufferable bore!' He used frequently to have large parties of foreigners and distinguished persons to dine with him at Bushy Park. He was himself the life and soul of those parties. To have seen him then, you would have said that he was there in his true element. Yet I think that he had really more enjoyment when he went into the country on a Saturday and Sunday, with only his own family, or one or

two intimate friends: he then entered into all the jokes and fun of his children, was the companion and intimate friend of his elder sons and daughters, and the merry, entertaining playfellow of his little girl, who was five years younger than any of the others. To his servants he was a most kind and indulgent master: if provoked by stupidity or impertinence, a few hasty, impatient words might escape him; but I never saw him *really out of humour*. He had a drunken, stupid groom, who used to provoke him; and who, from this uncommon circumstance, was called by the children 'the man that puts papa in a passion;' and I think he continued all his life putting papa in a passion, and being forgiven, for I believe he died in his service.

"In the year 1787 Lord North's sight began rapidly to fail him, and in the course of a few months he became totally blind, in consequence of a palsy on the optic nerve. His nerves had always been very excitable, and it is probable that the anxiety of mind which he suffered during the unsuccessful contest with America, still more than his necessary application to writing, brought on this calamity, which he bore with the most admirable patience and resignation; nor did it affect his general cheerfulness in society. But the privation of all power of dissipating his mind by outward objects or of solitary occupation could not fail to produce at times extreme depression of spirits, especially as the malady proceeded from the disordered state of his nerves. These fits of depression seldom occurred, except during sleepless nights, when my mother used to read to him, until he was amused out of them, or put to sleep.

"In the evenings, in Grosvenor Square, our house was the resort of the best company that London afforded at that time. Mr. Fox, Mr. Burke, Mr. Sheridan, occasionally; and Lord Stormont, Lord John Townshend, Mr. Windham, Sir James Erskine, afterwards Lord Rosslyn, his uncle, then Lord Loughborough, habitually frequented our drawing-room: these, with various young men and women, his children's friends, and whist-playing ladies for my mother, completed the society. My father always liked the company of young people, especially of young women who were sensible and lively; and we used to accuse him of often rejoicing when his old political friends left his side and were

succeeded by some lively young female. Lord North, when he was out of office, had no private secretary; even after he became blind, his daughters, particularly the two elder, read to him by turns, wrote his letters, led him in his walks, and were his constant companions.

"In 1792 his health began to decline: he lost his sleep and his appetite; his legs swelled, and symptoms of dropsy were apparent. At last, after a peculiarly uneasy night, he questioned his friend and physician, Dr. Warren, begging him not to conceal the truth: the result was, that Dr. Warren owned that water had formed upon the chest, that he could not live many days, and that a few hours might put a period to his existence. He received this news not only with firmness and pious resignation, but it in no way altered the serenity and cheerfulness of his manners; and from that hour, during the remaining ten days of his life, he had no return of depression of spirits. The first step he took, when aware of his immediate danger, was to desire that Mr. John Robinson (commonly known by the name of *the Rat-catcher*) and Lord Auckland might be sent for; they being the only two of his political friends whose desertion had hurt and offended him, he wished before his death to shake hands cordially, and to forgive them. They attended the summons of course, and the reconciliation was effected. My father had always delighted in hearing his eldest daughter, Lady Glenbervie, read Shakspeare, which she did with much understanding and effect. He was desirous of still enjoying this amusement. In the existing circumstances, this task was a hard one; but strong affection, the best source of woman's strength, enabled her to go through it. She read to him great part of every day with her usual spirit, though her heart was dying within her. No doubt she was supported by the Almighty in the pious work of solacing the last hours of her almost idolised parent. He also desired to have the French newspapers read to him. At that time they were filled with alarming symptoms of the horrors that shortly after ensued. Upon hearing them, he said, 'I am going, and thankful I am that I shall not witness the anarchy and bloodshed which will soon overwhelm that unhappy country.' He expired on the 5th of August, 1792.

"Lord North was a truly pious Christian; and (although from his political view of the subject) I believe that one of the last speeches he made in Parliament was against the repeal of the Test Act, yet his religion was quite free from bigotry or intolerance, and consisted more in the beautiful spirit of Christian benevolence than in outward and formal observances. His character in private life was, I believe, as faultless as that of any human being can be; and those actions of his public life which appear to have been the most questionable, proceeded, I am entirely convinced, from what one must own was a weakness, though not an unamiable one, and which followed him through his life, the want of power to resist the influence of those he loved.

"I remain, my dear Lord,

"Gratefully and sincerely yours,

"CHARLOTTE LINDSAY.

"GREEN STREET, February the 18th, 1839."

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GLASGOW: PRINTED BY BELL AND BAIN.